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April 14, 1995 - Issue 15: Through	March 31, 1995
July 14, 1995 - Issue 28: Through	June 30, 1995
October 13, 1995 - Issue 41: Through	September 30, 1995
January 12, 1996 - Issue 2: Through	December 31, 1995 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1995

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995	June 27, 1995	July 3, 1995	28	July 14, 1995
Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995	July 3, 1995	July 11, 1995	29	July 21, 1995
Jan. 3, 1995	Jan. 10, 1995	3	Jan. 20, 1995	July 11, 1995	July 18, 1995	30	July 28, 1995
Jan. 10, 1995	Jan. 17, 1995	4	Jan. 27, 1995	July 18, 1995	July 25, 1995	31	Aug. 4, 1995
Jan. 17, 1995	Jan. 24, 1995	5	Feb. 3, 1995	July 25, 1995	Aug. 1, 1995	32	Aug. 11, 1995
Jan. 24, 1995	Jan. 31, 1995	6	Feb. 10, 1995	Aug. 1, 1995	Aug. 8, 1995	33	Aug. 18, 1995
Jan. 31, 1995	Feb. 7, 1995	7	Feb. 17, 1995	Aug. 8, 1995	Aug. 15, 1995	34	Aug. 25, 1995
Feb. 7, 1995	Feb. 14, 1995	8	Feb. 24, 1995	Aug. 15, 1995	Aug. 22, 1995	35	Sept. 1, 1995
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Feb. 21, 1995	Feb. 28, 1995	10	Mar. 10, 1995	Aug. 29, 1995	Sept. 5, 1995	37	Sept. 15, 1995
Feb. 28, 1995	Mar. 7, 1995	11	Mar. 17, 1995	Sept. 5, 1995	Sept. 12, 1995	38	Sept. 22, 1995
Mar. 7, 1995	Mar. 14, 1995	12	Mar. 24, 1995	Sept. 12, 1995	Sept. 19, 1995	39	Sept. 29, 1995
Mar. 14, 1995	Mar. 21, 1995	13	Mar. 31, 1995	Sept. 19, 1995	Sept. 26, 1995	40	Oct. 6, 1995
Mar. 21, 1995	Mar. 28, 1995	14	Apr. 7, 1995	Sept. 26, 1995	Oct. 3, 1995	41	Oct. 13, 1995
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Apr. 18, 1995	Apr. 25, 1995	18	May 5, 1995	Oct. 24, 1995	Oct. 31, 1995	45	Nov. 13, 1995 (Mon.)
Apr. 25, 1995	May 2, 1995	19	May 12, 1995	Oct. 31, 1995	Nov. 7, 1995	46	Nov. 17, 1995
May 2, 1995	May 9, 1995	20	May 19, 1995	Nov. 7, 1995	Nov. 14, 1995	47	Nov. 27, 1995 (Mon.)
May 9, 1995	May 16, 1995	21	May 26, 1995	Nov. 14, 1995	Nov. 21, 1995	48	Dec. 1, 1995
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June 13, 1995	June 20, 1995	26	June 30, 1995	Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996
June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Data Collection2) Code Citation: 77 Ill. Adm. Code 25103) Section Numbers: Proposed Action:Appendix A
Amendment4) Statutory Authority: Section 2-3 of Article II and Section 4-2 of Article IV of the Illinois Health Finance Reform Act [20 ILCS 2215/2-3, 4-2]

5) A Complete Description of the Subjects and Issues Involved: The Illinois Health Care Cost Containment Council (IHCCCC) is mandated by law to collect key specific financial data elements from Illinois hospitals. These rules were amended on June 23, 1995, but an error was discovered in the amendment in September 1995. Under Patient Care Revenues, item 13 and items 14 and 15 are being changed to reflect corrections in punctuation.

6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking does not place mandates on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted in writing within 45 days after this issue of the Illinois Register to:

Britt Hagen, Associate Director
Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, IL 62703-5118
(217) 786-7001

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses, small municipalities and not for profit corporations affected: HospitalsB) Reporting, bookkeeping or other procedures required for compliance: None

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NOTICE OF PROPOSED AMENDMENT

C) Types of professional skills necessary for compliance: None13) Regulatory Agenda on which this rulemaking was summarized: January 1995The full text of the Proposed Amendment begins on the next page:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2510
DATA COLLECTION

Section	Purpose
2510.10	Outside Contractor
2510.20	Collection and Submission of Hospital Financial Data
2510.30	Submission of Medicaid Cost Reports
2510.40	Collection of Information on Uniform Billing Form
2510.50	Report of Inpatient Discharges
2510.55	Quarterly Reports
2510.60	Special Studies and Analysis
2510.70	Confidentiality
2510.80	Format of the Financial Data Report
2510.85	Hospital Review
2510.90	

APPENDIX A	Illinois Health Care Cost Containment Council Annual Financial Data Report
APPENDIX B	UB-82 Magnetic Media Record Format
APPENDIX C	UB-82 Uniform Bill Data Fields
APPENDIX D	UB-92 Magnetic Media Record Format
APPENDIX E	UB-92 Uniform Bill Data Fields

AUTHORITY: Implementing Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. IV and 2-3].

SOURCE: Adopted and codified at 9 Ill. Reg. 12726, effective August 5, 1985; amended at 10 Ill. Reg. 18790, effective October 17, 1986; amended at 11 Ill. Reg. 1574, effective January 2, 1987; amended at 12 Ill. Reg. 6102, effective March 21, 1988; amended at 13 Ill. Reg. 334, effective December 30, 1988; amended at 14 Ill. Reg. 2078, effective January 19, 1990; amended at 16 Ill. Reg. 8980, effective June 3, 1992; emergency amendment at 16 Ill. Reg. 19210, effective November 25, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2031, effective January 29, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 9700, effective June 10, 1993; amended at 17 Ill. Reg. 14112, 9986, effective June 10, 1993; emergency amendment at 17 Ill. Reg. 14112, effective August 10, 1993, for a maximum of 150 days; emergency expired on January 7, 1994; amended at 18 Ill. Reg. 5300, effective March 21, 1994; emergency amendment at 18 Ill. Reg. 14809, effective September 12, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16810, effective November 4, 1994; amended at 19 Ill. Reg. 1825, effective February 6, 1995; amended at 19 Ill. Reg. 9113, effective June 23, 1995; emergency amendment at 19 Ill. Reg. 15097, effective October 11, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. _____, effective _____.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT

Section 2510-APPENDIX A Illinois Health Care Cost Containment Council Annual Financial Data Report

At a minimum, hospitals or their agents will submit the following data elements to the Council or its Agent on the electronic or hard copy instrument designated:

OPERATING REVENUES

- 1) Net patient service revenue - The estimated net realizable amounts from patients, third party payers and others for services rendered, including estimated retroactive adjustments under reimbursement agreements with third-party payers.
- 2) Other revenue - Revenue from services other than health care provided to patients, sales and services to non-patients and operations restricted contributions; including, but not limited to, the following: (i) tax appropriations that include all revenue received from local taxing bodies (e.g., city, township, county, district) which are designed for hospital operations; (ii) contributions (operations restricted) received from endowments, grants, etc., which are restricted and support operating expenditures of the hospital if the costs associated with them are included in operating expenses; and (iii) all other revenue generated from non-patient sources that are of an operating nature (i.e., cafeteria, parking lot, etc.) and operating gains.
- 3) Total operating revenue - The total of net patient service revenue and other revenue (i.e., the sum of items 1 and 2).

OPERATING EXPENSES

- 4) Bad debt expense - Amounts deemed uncollectible primarily because of a patient's unwillingness to pay as determined after collection efforts.
- 5) Total operating expenses - The sum of the following: (i) salary and wages; (ii) employee fringe benefits; (iii) professional medical fees paid to professionals for medical services; (iv) depreciation expense based on historical costs; (v) interest expense; (vi) drugs, films, solutions and medical care supplies; (vii) utility expense for fuel, water, heat, light, power and telephone service; (viii) malpractice insurance expense excluding general liability insurance or contributions to a self-insurance fund for professional liability; (ix) bad debt expense; and (x) all other operating expenses.

NON-OPERATING GAINS/LOSSES

- 6) Total non-operating gains - The classification of activities as non-operating depends on the individual health care provider. In

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT

general, activities generate non-operating gains to the extent that they result from a provider's peripheral or incidental transactions and from other events stemming from the environment that may be largely beyond the control of the provider and its management. Non-operating gains include, but are not limited to, the following: (i) investment income, such as funded depreciation, contributions and endowments; (ii) all contributions, gifts and bequests which are not non-restricted; and (iii) all other non-operating gains, including extraordinary gains, that are not a result of investments or contributions.

- 7) Total non-operating losses - All losses that are classified as non-operating to the extent that they result from a provider's peripheral or incidental transactions and from other events stemming from the environment that may be largely beyond the control of the provider and its management.

PATIENT CARE REVENUES

- 8) Gross inpatient revenue - Full hospital charges to inpatients for hospital services before considering any deductions for charity care or contractual allowances, including, but not limited to, the following: (i) revenue derived from the daily room charge for inpatient services such as room, board and nursing care in routine areas (e.g., medical, surgical, pediatrics, rehabilitative, etc.) and special care units (e.g., intensive care, coronary care, burn units, neonatal intensive care); and (ii) revenue derived from ancillary inpatient hospital services such as lab, x-ray, cardiology.

- 9) Gross outpatient revenue - Hospital services revenue derived from non-inpatient activities, including, but not limited to, all outpatient, clinic, day surgery, day psychiatric care, emergency room care, etc.

- 10) Other patient care revenue - Any revenue classified as patient-related which does not belong in the above inpatient or outpatient categories (e.g., home health care, in-home hospice care, etc.).

- 11) Total patient revenue - Any revenue that constitutes "total gross patient revenue" as defined in item 12 below.

- 12) Total gross patient care revenue - The total of gross inpatient revenue, gross outpatient revenue and other patient care revenue (i.e., the sum of items 8 through 10).

- 13) Medicare gross revenue - Full hospital charges derived from ~~any other source Medicare including but not limited to Blue-Cross/Blue-Shield commercial-insurance--health-maintenance-organizations-and-preferred provider-organizations-for routine and special care, and ancillary and outpatient service revenue before considering any deductions.~~ This figure may be estimated.

- 14) Medicaid gross revenue - Full hospital charges derived from Medicaid (MAG and MANG), including routine and special care, and ancillary and outpatient service revenue before considering any deductions. This

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT

figure may be estimated.

- 15) Total other gross revenue - Full hospital charges derived from any other source including, but not limited to, Blue Cross/Blue Shield, commercial insurance, health maintenance organizations and preferred provider organizations for routine and specialized care, and ancillary and outpatient service revenue before considering any deductions. This figure may be estimated.

DEDUCTIONS FROM REVENUE

- 16) Charity care - These revenue deductions represent the aggregate of the accounts written off when it is determined that a patient is unable to pay. Charity care results from the facility's policy to provide health care services free of charge to individuals who meet certain financial criteria. Do not include costs associated with community benefits or other non-patient related services.

- 17) Medicare allowance - Revenue deductions incurred in treating Medicare patients. This figure may be estimated.

- 18) Medicaid allowance - Revenue deductions incurred in treating Medicaid patients. This figure may be estimated.

- 19) Other contractual allowances - Revenue deductions incurred in treating patients covered by Blue Cross/Blue Shield plans, commercial insurance plans, HMO/PPO contracts or other revenue deductions other than charity care, Medicare allowances and Medicaid allowances. This figure may be estimated.

- 20) Other allowances - All other deductions from revenue for items such as courtesy allowances, employee discounts, administrative writeoffs, etc.

- 21) Total deductions - The sum of charity care, Medicare allowances, Medicaid allowances, other contractual allowances and other deductions (i.e., the sum of items 16 through 20.)

ASSETS

- 22) Operating cash and short-term investments - The total of cash on hand and in banks and (unrestricted) investments estimated to be held no longer than one year.

- 23) Estimated patient accounts receivable - Patient accounts receivable adjusted for allowances and bad debts.

- 24) Other current assets - The value of all other current assets.

- 25) Total current assets - The total current assets of the hospital. This amount should include the sum of operating cash and short-term investments, estimated patient accounts receivable (net of allowances and bad debts) and other current assets (i.e., the sum of items 22 through 24).

- 26) Total other assets - The sum of (i) the amounts included in the hospital's designated funded depreciation account; (ii) the value of property, plant, and equipment recorded on the hospital's books; (iii)

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED AMENDMENT

- any other unrestricted assets; and (iv) any restricted assets (donor or legally restricted only); less accumulated depreciation on fixed assets such as property, plant, and equipment.
- 27) Total assets - The sum of total current assets and total other assets (i.e., the sum of items 25 and 26).

LIABILITIES AND FUND BALANCES

- 28) Total current liabilities - The sum of all current liabilities using generally-accepted accounting principles as a guide including, but not limited to, the following: (i) vendor accounts payable (excluding reconciliation payments due to third party payers); (ii) current year's principal payments on long-term debt; and (iii) other current liabilities.
- 29) Long term debt - Debt whose anticipated maturity (liquidation) is in excess of one year (net of the current maturities).
- 30) Other liabilities - The value of any other non-current liabilities or deferred revenue.
- 31) Total liabilities - The sum of total current liabilities, long term debt and other liabilities.
- 32) Total liabilities and fund balances - The sum of total liabilities (item 31) and all fund balances (equity) of the hospital - including restricted as well as unrestricted funds.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Demonstration Programs
- 2) Code Citation: 89 Ill. Adm. Code 170
- 3) Section Number: Proposed Action:
170.390 New Section
- 4) Statutory Authority: Sections 4-1 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1 and 12-13] and Public Act 89-6.
- 5) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Act 89-6, these proposed amendments enable the Department to require all applicants and recipients to prepare a personal employability plan as a condition of eligibility. This rulemaking also outlines the Department's requirement to advise clients of the value and benefits of employment and of the need for all recipients to move toward self-sufficiency.

Within six months of implementation, all current recipients and all applicants at the time of approval will be required to complete a personal plan for achieving employment as a condition of eligibility. Clients will be required to think about and begin formulating a plan for finding work. Clients will record their education level and work history and assess their strengths and weaknesses on a special form being developed by Department staff. The employability plan will help recipients establish goals and will help Department staff stress the point that all clients should be preparing for work and taking steps to become self-sufficient. If a client does not complete the employability plan, the entire case will be ineligible.

Companion amendments are also being proposed to 89 Ill. Adm. Code 112.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
170.300	Amendment	July 7, 1995 (19 Ill. Reg. 8933)
170.350	New Section	July 21, 1995 (19 Ill. Reg. 10381)
170.360	New Section	August 4, 1995 (19 Ill. Reg. 11316)
170.370	New Section	August 4, 1995 (19 Ill. Reg. 11316)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

170.380 New Section October 6, 1995 (19 Ill. Reg. 13789)
 170.400 New Section November 17, 1995 (19 Ill. Reg. 15572)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna

Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Ave. E., 3rd Floor
 Springfield, IL 62762
 (217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40).

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page **15851**

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Number: Proposed Action:

140.642 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments are the result of recommendations from an interagency committee composed of staff from the Departments of Mental Health and Developmental Disabilities and Public Aid, concerning criteria utilized to determine the need for ICF/MR services. The existing criteria, which require that an individual must have deficits in at least three of the six specified major life areas, are more restrictive than federal requirements. The proposed amendments are less restrictive, but are still in compliance with federal regulations. According to these amendments, the criteria pertaining to substantial functional limitations in the areas of major life activity are applied only to persons with conditions related to mental retardation. The primary determinant for the need for ICF/MR services is the need for active treatment. The proposed amendments provide extensive descriptions from federal regulations regarding "active treatment" and what is meant by a "related condition".

The consensus reached by the interagency committee on these issues has been supported by the Health Care Financing Administration in a letter of October 7, 1994, to the American Health Care Association, and in a letter of June 22, 1995, to the Department.

These proposed amendments are not expected to result in any budgetary changes.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.2	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.7	Amendment	August 25, 1995 (19 Ill. Reg. 12210)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.9	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.16	Amendment	September 15, 1995 (19 Ill. Reg. 12937)
140.40	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.80	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.82	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.84	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.413	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.440	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.443	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
144.444	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
144.445	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
144.446	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
144.447	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.460	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.461	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.462	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.463	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.464	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.475	Amendment	November 17, 1995 (19 Ill. Reg. 15581)
140.478	Amendment	November 17, 1995 (19 Ill. Reg. 15581)
140.481	Amendment	November 17, 1995 (19 Ill. Reg. 15581)
140.485	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.920	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.922	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.924	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.926	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.928	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.930	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.932	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
Table M	Amendment	October 20, 1995 (19 Ill. Reg. 14530)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Long term care facilities for persons with developmental disabilities (ICF/MR)

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

140.1 Incorporation By Reference

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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum

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Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16392, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 10062, April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 12362, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 592, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 1051, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective

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March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26,

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1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART E: GROUP CARE

Section 140.642 Screening Assessment for Long Term Care and Alternative Residential Settings and Services

a) Prior to the authorization of payment by the Department of Public Aid, for the care of an individual who is already residing in a facility and is newly approved for Medicaid benefits or is an applicant for or client of Medicaid services when admitted into a facility (SNF, ICF or ICF/MR) which provides long term care services, the individual's need for such services must be:

- 1) assessed through either the Department on Aging (DOA) (individuals age 60 or over) or the Department of Rehabilitation Services (DORS) (individuals between the ages of 18 and 59) and certified by a licensed physician (Section 140.514). Individuals who need nursing facility care and do not appear to have developmental disabilities (DD) or mental illness (MI), as determined by a Level I Identification (ID) Screen (see subsection (e)(1) of this Section), are assessed through DOA and DORS; or
- 2) assessed through the Department of Mental Health and Developmental Disabilities (DMHDD) and certified by a licensed physician (Section 140.514). Individuals who appear to have DD or MI, as identified by a Level I ID Screen, are assessed through DMHDD designated preadmission screening (PAS) agents according to a comprehensive assessment, the Level II assessment (see subsection (e)(2) of this Section). In the case of an individual with DD who is determined to be eligible for ICF/MR services, the physician certification must be in accordance with Medicaid standards which identify assessment criteria used to establish the need for services in a facility for persons with DD (42 CFR 435.1009).

Agency Note: The acronym ICF/MR which is used in this Section includes ICF/MR less than 16, ICF/MR with a SNF/PBD license, specialized living centers and DMHDD State developmental centers. The term DD means mental retardation or a related condition.

- b) A Level I ID screening assessment (see subsection (e)(1) of this Section) and a Level II assessment (see subsection (e)(2) of this Section) conducted by a DMHDD PAS agent or a Determination of Need (DON) conducted by a DOA or DORS agent (see subsection (e)(3) of this Section), whichever is applicable, are required for an individual that is an applicant for or a client of Medicaid services, including the individual who is enrolled as a Medicaid spenddown case, who:
- 1) is residing in a SNF, ICF or ICF/MR at the time of becoming eligible for Medicaid benefits and an assessment has not occurred

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- during the 60 days prior to such eligibility;
- 2) is an applicant for or client of Medicaid services, requests to be admitted to a SNF, ICF or ICF/MR, and did not previously reside in a facility (except as described in subsections (c) and (d) of this Section);
 - 3) is absent from a SNF, ICF or ICF/MR for a period of 30 days or more, and the reason for the absence was not to receive medical services;
 - 4) has a developmental disability and transfers between facilities at the same or different level of care; or
 - 5) is currently residing in Illinois and is approved by the Department for placement in an out-of-state facility.
- c) A screening assessment is not required for an individual who:
- 1) will be receiving sheltered care services; or
 - 2) is an Illinois resident and is approved for placement by the Department in an out-of-state facility, when already residing or placed (i.e., a hospital) in that state.
- d) A new screening assessment is not required for an individual who is currently eligible for ICF, SNF or ICF/MR services and who:
- 1) is absent from the facility for less than 30 days and returns to the same level of care at the same facility;
 - 2) is absent from the facility for 30 days or more to receive inpatient hospital services and returns from the hospital to the same level of care at the same facility;
 - 3) is absent from the facility for 30 days or more for therapeutic leave (Section 140.523) approved by the Department and returns to the same level of care at the same facility.
- e) Screening Assessment

1) The Level I ID Screen is the first phase of the preadmission screening process. This screening process must be completed for all Medicaid or Medicaid eligible individuals who enter long term care facilities. The screening process is conducted to determine if there is a reasonable basis for suspecting that an applicant has DD or severe MI. This determination is required to assure that individuals with DD or severe MI are placed into settings which provide the services they require. Entities authorized to complete the Level I ID Screen are agents of DMHDD, DOA, DORS, hospitals, or nursing facilities.

2) If the Level I ID Screen indicates that an individual may have a DD or severe MI, a comprehensive assessment, the Level II assessment, is conducted by DMHDD designated PAS agents concerning the need for nursing facility services and the need for specialized services. Categorical determinations may be made that individuals with dementia, which exists in combination with mental retardation or a related condition, do not need specialized services. The individual who has been determined to be DD and who is age 60 or more may elect not to receive specialized services. The individual is then referred to DOA for

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screening following the Level II assessment.

- 3) If the Level I ID Screen does not identify a reasonable basis for suspecting a DD or severe MI, the applicant is referred to DOA or DORS for a DON to assess the need for nursing facility services if there is a possibility that the applicant requires the services of a nursing facility.
 - 4) Due to exceptional circumstances, an individual identified as having DD or MI, following a Level I ID Screen, may be determined to need nursing facility services. The individual with exceptional circumstances must then receive a Level II assessment to determine the individual's need for specialized services before placement in a nursing facility, except in the specific circumstances noted in subsection (e)(5) of this Section. Exceptional circumstances include, but are not limited to:
 - A) terminal illness with a life expectancy of six months or less;
 - B) convalescent care (a medically prescribed period of recovery, following acute care, not to exceed 120 days);
 - C) severe physical illnesses, such as coma, ventilator dependence, functioning at brain stem level or diagnoses such as chronic obstructive pulmonary disease, Parkinson's disease, Huntington's disease, amyotrophic lateral sclerosis, and congestive heart failure; and
 - D) a diagnosis of dementia, including Alzheimer's disease or a related disorder, in the case of the individual with DD.
 - 5) Exceptional circumstances, Level II assessment exemption. Some individuals with DD or severe MI may be admitted to a nursing facility without receiving a Level II assessment to determine the need for specialized services by a DMHDD PAS agent. Certification by a physician must document the need for nursing facility services as specified in subsection (a)(1) of this Section. The exceptional circumstances which are exempt from determination of need for specialized services are provisional admissions pending further assessment in cases of delirium where an accurate diagnosis cannot be made until the delirium clears.
 - 6) In all other cases, a determination that specialized services are not needed must be based on a Level II assessment.
- f) Designated Screening Agents
- 1) DMHDD or its designated PAS agents shall perform a Level II assessment for applicants for long term care for whom there is a reasonable basis to suspect mental retardation or related conditions, or severe MI.
 - A) Mental retardation and related disorders shall include those conditions meeting the criteria described in subsection (g) of this Section and Section 140. Table H.
 - i) DMHDD PAS agents who have screened an applicant found to have mental retardation or a related condition, in need of specialized services, may authorize

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eligibility for placement into an ICF/MR level of care, or refer the applicant to a State operated ICF/MR, a home and community-based waiver program for persons with developmental disabilities, or other community residential settings such as a Community Integrated Living Arrangement (CILA) which is under the direction and oversight of DMHDD. Individuals who require both nursing facility services and specialized services may be authorized for eligibility for placement into an ICF/MR only.

ii) When the assessment indicates the applicant requires the services of a nursing facility and cannot participate in specialized services due to exceptional circumstances (see subsection (e)(4) of this Section), the DMHDD PAS agent may authorize eligibility for the placement.

iii) For the individual with mental retardation or a related condition, a Qualified Mental Retardation Professional (QMPP) (89 Ill. Adm. Code 144.275 (b)(1)) serves as the DMHDD PAS agent who summarizes the final screening assessment and authorizes eligibility for placement.

iv) The particular placement identified for any applicant will depend upon the identified program's capacity to meet the individual's need for specialized services and, if present, medical/health needs.

v) An individual with DD whose overall level of functioning is in the mild range of mental retardation and who is generally independent does not need specialized services and may not be placed into an ICF/MR or in a home and community-based waiver setting. Other community residential options are appropriate for such individuals.

B) Severe MI is described in subsection (i)(2) of this Section.

i) DMHDD PAS agents who have screened an applicant found to have severe MI may authorize eligibility for placement into a SNF or ICF level of care or refer the applicant to other community residential settings if the applicant has need of psychiatric rehabilitation services, or refer the applicant to an inpatient psychiatric facility for persons with severe MI who need specialized services (see subsection (i)(5) of this Section).

ii) For the individual with severe MI, a Qualified Mental Health Professional (QMHP) serves as the DMHDD PAS agent who summarizes the final screening assessment and authorizes eligibility for placement.

iii) Applicants who require the services of a nursing

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facility and are in need of psychiatric rehabilitation services shall be referred to programs which are competent to provide psychiatric rehabilitation services in accordance with 89 Ill. Adm. Code 147.300 through 147.345.

2) DORS staff or its designated agents will screen all applicants for ICF or SNF services, between the ages 18 and 59, who do not meet the criteria for screening and placement by DMHDD PAS agents. An applicant screened by DORS or its designated agents, who is suspected of having DD or severe MI, must be referred to a DMHDD PAS agent for a Level II assessment before placement into a facility or authorization for a DORS home and community-based waiver setting. When an applicant is determined not to have a DD requiring specialized services or severe MI following a Level II assessment, he/she will be referred to DORS for placement. When it is determined that an applicant has DD requiring specialized services or severe MI following a Level II assessment, DMHDD may authorize his/her eligibility for placement into an appropriate setting.

3) DOA or its designated agents will screen all applicants for ICF or SNF services age 60 or over who do not meet the criteria for screening by DMHDD PAS agents. An applicant screened by DOA or its designated agents, who is suspected of having DD or severe MI, must be referred to a DMHDD PAS agent for a Level II assessment before placement into a facility or authorization for a DOA home and community-based waiver setting. When an applicant is determined not to have a DD requiring specialized services or severe MI following a Level II assessment, he/she will be referred to DOA for placement. When an applicant is determined by a Level II assessment to have a severe MI or DD, DMHDD may authorize his/her eligibility for placement into an appropriate setting.

4) No screening agent may limit an eligible applicant's opportunity to receive services from any facility appropriately certified and licensed to provide those services, or any community residential setting appropriate to provide them.

5) DPA, as the State Medicaid agency, bears ultimate responsibility for the proper operation of the Preadmission Screening and Annual Resident Review program in Illinois. Therefore, DPA may withdraw screening authority from an individual agent if it determines that the agent is not accurately applying screening criteria or conforming to procedures as described in this Section. In such an event, DPA will first request the responsible Department to implement corrective actions. If the screening agent remains out of compliance 90 days following this request, DPA may designate an alternative agent to conduct screenings until the affected agent implements a plan of correction acceptable to DPA or the associated Department designates a new agent.

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g) Need for ICF/MR Services

- 1) The need for ICF/MR services shall be established through a comprehensive assessment, the Level II assessment, that demonstrates that the individual needs active treatment and has either: mental retardation or a related condition manifested before age 22 which is likely to continue indefinitely; and results in functional limitations so substantial that the individual performs at or below the Big Brother level in three or more of the six areas of major life activity as set forth in Section 14-0.2(b)(1)-(4). Related conditions can include autism, cerebral palsy, and seizure disorders, but do not include MR. Functional limitations with respect to mental retardation and related conditions are not limitations which are attributable to mental illness.

A) mental retardation; or

B) a related condition that meets all of the following:

- i) A condition that is attributable to cerebral palsy, epilepsy, autism, or any other condition, other than mental illness or infirmities of aging, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons, and requires treatment or services similar to those required for these persons.

- ii) A condition that is manifested before the person reaches age 22.

- iii) A condition that is likely to continue indefinitely.

- iv) A condition that results in substantial functional limitations in three or more of the following areas of major life activity - self care, understanding and use of language, learning, mobility, self direction, capacity for independent living.

- 2) Active treatment is defined by federal regulations at 42 CFR 483.440(a) as a program of specialized and generic training, treatment, health services and related services, that is directed toward the acquisition of the behaviors necessary for the client to function with as much self determination and independence as possible and the prevention or deceleration of regression or loss of current optimal function status. Active treatment does not include services to maintain generally independent clients who are able to function with little supervision or in the absence of a continuous active treatment program.

- 3) No applicant for ICF/MR services meeting the above criteria and the criteria in Section 14-0.2(b)(1)-(4) shall be found to be inappropriate for such services due to a need for the treatment of a severe or profound sensory handicap, motor deficit, or mental retardation; nor shall such an applicant be denied ICF/MR

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services due to age, medical needs, or maladaptive behavior, except as otherwise described in this Section.

h) Need for ICF/MR (SNF/PED License) Services

- 1) ICF/MR (SNF/PED license) services will only be approved for individuals who are under the age of 21 at the time of admission to the facility.

- 2) The need for such services shall be established through a comprehensive assessment, the Level II assessment, that demonstrates that the individual has a medical (physical) condition requiring skilled level nursing care; or has mental retardation or a related condition and/or a severe medical or physical disability or a combination of severe disabilities.

- i) Need for Nursing Facility Services: The need for nursing facility services shall be established by an assessment (a DON, see subsection (e)(3) of this Section, or a Level II assessment, see subsection (e)(2) of this Section).

- 1) In Illinois, nursing facilities are licensed for intermediate level nursing care and skilled level nursing care.

- A) Intermediate (ICF) level nursing care is that needed for mental or physical conditions which do not require hospital or skilled nursing facility care, but do require services that are above the level of room and board, prevent independent living in the absence of such care and can be made available only through institutional facilities. Individuals with stabilized conditions requiring basic nursing care or other restorative services under periodic medical direction are appropriate for intermediate level care.

- B) Skilled (SNF) level nursing care is that needed for medical conditions requiring 24-hour nursing care or intensive medical treatment, such as care for post-operative or bedfast patients, and care for those in need of special medical equipment or constant monitoring by a professional nurse. A need for a high level of personal care assistance does not meet the criteria for skilled level care.

- 2) Need for Psychiatric Rehabilitation Services in Nursing Facilities: Individuals admitted into a nursing facility are screened by a DMHDD PAS agent who determines that, because of the individual's severe MI he/she can derive benefit from placement into a nursing facility. The need for psychiatric rehabilitation services shall be established through a Level II assessment, which includes a diagnosis that the individual has a severe MI (and does not have a primary diagnosis of dementia, including Alzheimer's disease or a related disorder), resulting in substantial functional limitations for that individual which necessitate psychiatric rehabilitation services. Diagnoses that constitute a severe MI are:

- A) Schizophrenia, including:

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- i) Catatonic
 - ii) Disorganized
 - iii) Paranoid
 - iv) Undifferentiated
 - v) Residual
- B) Delusional (Paranoid) Disorder
- C) Schizoaffective Disorder
- D) Psychotic Disorder, not otherwise specified (atypical psychosis)
- E) Bipolar Disorders
- i) Bipolar Disorder - Mixed, Manic, and Depressed
 - ii) Cyclothymia
 - iii) Bipolar Disorder not otherwise specified
- F) Major Depression, recurrent
- 3) Individuals with severe MI who are eligible for psychiatric rehabilitation services, exhibit substantial functional limitations which necessitate 24-hour a day supervision due to the need for:
- A) Professional observation for medication monitoring (adjustment and/or stabilization), and/or
 - B) Daily supervision and assistance in at least two of the following areas:
 - i) Self-maintenance - Physical functioning, personal care and hygiene, dressing, grooming, toileting, nutrition, speech and language, eating habits, maintenance of personal space and possessions, health maintenance, use of medication, and self-medication program.
 - ii) Social Functioning - Interaction and involvement with family/significant others, social skills and relationships with friends, peer group involvement, ability to pursue leisure/recreational activities, and education regarding alcohol and substance abuse.
 - iii) Community Living Activities - Homemaking responsibilities (i.e., cleaning, laundry, meal preparation and service, shopping, financial management, and using telephone), use of transportation, traveling from residence independently, recognizing and avoiding common dangers, and use of community services.
 - iv) Work Related Skills - Job retention behaviors (i.e., tardiness, absenteeism, relationships with co-workers/supervisors, work quality and quantity, ability to accept, understand and carry out instructions), job seeking skills (i.e., ability to initiate and schedule own activities, ability to seek employment, completing an application, personal appearance, communication and interviewing skills, ability to set realistic vocational goals), basic

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- 4) reading, writing and arithmetic skills.
Psychiatric rehabilitation services are designed to increase the individual's ability to function with as much self-determination and independence as possible. These services are individualized and begin with a diagnostic evaluation and a comprehensive functional assessment of the individual's strengths and needs. The assessment process leads to the development of a Comprehensive Care Plan (CCP). The CCP outlines the services needed, the persons responsible for the delivery of services and the process of reevaluating the plan.
- 5) Individuals with diagnoses of severe MI who would not be appropriate for nursing facility services include:
 - A) Individuals with severe MI whose symptomatology is so acute or severe that they require specialized services in an inpatient psychiatric program.
 - B) Individuals with severe MI who do not require the intensity of psychiatric rehabilitation services which are provided in a nursing facility setting. These individuals usually require less intensive treatment which is available through community mental health outpatient services.
- j) Date of Payment
 - 1) A screening assessment is valid for 60 days from the date of the assessment. For individuals with DD or severe MI, an existing Level II assessment may remain valid after 60 days when the QMRP or QMHP respectively updates any component(s) of the assessment which is/are not current, and confirms the validity of the assessment as reliably reflecting the status of the individual. Additional assessments may be conducted within any 60 day period:
 - A) If the screening agent judges that it is merited by a change in the individual's medical or developmental status, or
 - B) In the event that an assessment has not been conducted properly or by the appropriate authorized screening agent, or
 - C) If the individual appeals the screening assessment decision.
 - 2) No payment for long term care services may be made unless both the screening assessment and a physician's certification, as described in Section 140.514, document a need for such care. Where the assessment and the certification do not establish this need, the individual may request a licensed physician designated by the Department, to review the medical reports and any other evidence the individual wishes to submit, and certify that there is a need for long term care in the individual case. The individual will be notified of his/her right to this review.
 - A) For an applicant for long term care services whose preadmission screening assessment and physician's certification have been completed, prior to admission and document the individual's need for such services, the Department will begin payment:

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- i) on the date of admission if Medicaid eligibility has been established, or
- ii) on the effective date of Medicaid eligibility if such eligibility is not established prior to admission.
- B) For an individual who applies for Medicaid after admission to a facility:
- i) It is the facility's responsibility to immediately initiate screening activities by contacting the appropriate screening agent. Agents are required to complete screening assessments in such circumstances within 30 calendar days after the initial screening referral.
- ii) If the screening assessment and physician certification are completed within 30 days after Medicaid application, payment will be made from the effective date of Medicaid eligibility.
- iii) If for any reason including a failure on the part of the facility to contact an appropriate screening agent, the screening assessment does not occur within 30 days after Medicaid application, the Department will not begin payment until the date that the screening assessment does occur, the date that the physician certification requirement is met, or the effective date of Medicaid eligibility, whichever is later.
- C) For an individual who applies for Medicaid before admission to a SNF, ICF or ICF/MR, and the screening assessment and physician's certification requirements are met within 30 calendar days after admission, payment will be made:
- i) on the date of admission, or
- ii) on the effective date of Medicaid eligibility, whichever is later.
- D) For an individual who applies for Medicaid before admission to a SNF, ICF or ICF/MR, and the screening assessment and/or physician certification requirements are not met within 30 calendar days after admission, payment will be made:
- i) upon the date that the screening assessment requirement is met, or
- ii) upon the date that the physician certification requirement is met, or
- iii) on the effective date of Medicaid eligibility, whichever is later.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Forbidden Conduct
- 2) Code Citation: 11 Ill. Adm. Code 1320
- 3) Section Numbers: Proposed Action:
1320.150 New Section
- 4) Statutory Authority: 230 ILCS 5
- 5) A complete description of the subjects and issues involved: This rulemaking establishes the prohibition of inhumane treatment of horses.
- 6) Will these proposed rules replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporation by reference? No
- 9) Are there any other proposed rules pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:
- Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, IL 60601
(312) 814-2600
- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: November 6, 1995
- B) Types of small business affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was

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not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Board.

The full text of the proposed amendment begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER f: RULES AND REGULATIONS OF HARNES RACING

PART 1320

FORBIDDEN CONDUCT

Section

1320.10	Improper Conduct
1320.20	Assault and/or Battery
1320.30	Conspiracy Not to Race
1320.40	Demand Special Rewards
1320.50	Betting On Starters
1320.60	Fraudulent Proposals
1320.70	Acts Injurious to Racing
1320.80	Conspiracy to Violate Rules
1320.90	Sworn Oaths
1320.100	Association with Undesirables
1320.110	Bookmaking
1320.120	Solicitation of Wagers
1320.130	Betting By Board Employees
1320.140	Sale of Products by Board Appointees (Repealed)
1320.150	Humane Treatment of Horses

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Published in Rules and Regulations of Harness Racing (Original date not cited in publication); codified at 5 Ill. Reg. 10948; amended at 9 Ill. Reg. 11653, effective July 15, 1985; amended at 18 Ill. Reg. 17751, effective November 28, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 1320.150 Humane Treatment of Horses

- a) No person on the grounds of an organization licensee shall subject any animal to any form of cruelty, mistreatment, neglect, abuse, abandonment, or injury.
- b) No person on the grounds of an organization licensee shall maim or administer noxious substances to any animal, or deprive any animal of necessary care, sustenance, shelter or veterinary care.

(Source: Added at 20 Ill. Reg. _____, effective _____.)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Horse Health Rules
- 2) Code Citation: 11 Ill. Adm. Code 1431
- 3) Section Numbers: Proposed Action:
 1431.60 Repealed
 1431.90 New Section
- 4) Statutory Authority: 230 ILCS 5
- 5) A complete description of the subjects and issues involved: This rulemaking repeals the requirement that the State Veterinarian provide tongue ties and establishes the prohibition of inhumane treatment of horses.
- 6) Will these proposed rules replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporation by reference? No
- 9) Are there any other proposed rules pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:
 Gina DiCaro
 Illinois Racing Board, Legal Department
 100 West Randolph, Suite 11-100
 Chicago, Illinois 60601
 (312)814-2600
- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: November 6, 1995
- B) Types of small business affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Board.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

PART 1431

HORSE HEALTH RULES

Section

1431.10 Valid Health Certificate

1431.20 Pest Control

1431.30 Disposable Needles; Hypodermics

1431.40 Clean Equipment

1431.50 Equipment used on Animals

1431.60 Tongue Ties (Repealed)

1431.70 Health Rule Violations

1431.80 Establish Health Rules

1431.85 AGID (Coggins) Test

1431.90 Humane Treatment of Horses

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); April 13, 1983; codified at 5 Ill. Reg. 11006; amended at 20 Ill. Reg. _____, effective _____.

Section 1431.60 Tongue Ties (Repealed)

~~The state veterinarians shall retain a supply of new tongue ties--Upon request, they will supply a tongue tie to trainers.~~

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

Section 1431.90 Humane Treatment of Horses

a) No person on the grounds of an organization licensee shall subject any animal to any form of cruelty, mistreatment, neglect, abuse, abandonment, or injury.

b) No person on the grounds of an organization licensee shall maim or administer noxious substances to any animal, or deprive any animal of necessary care, sustenance, shelter or veterinary care.

(Source: Added at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Services2) Code Citation: 89 Ill. Adm. Code 5903) Section Numbers: Proposed Action:

590.460

Amendments

590.470

Amendments

590.480

Amendments

590.490

Amendments

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]

5) A Complete Description of the Subjects and Issues Involved: Amendments to 590.460 include minor changes being made to clarify the content of the Section.

Amendments to 590.470 are being made to clarify that equipment may be provided as a result of the Extended Evaluation (89 Ill. Adm. Code 553.80) as well as the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100). Also, subsections (c) and (d) have been added to clarify that DORS retains title to all equipment purchased for customer use and under what conditions a customer may retain the equipment, even after case closure.

Amendments to 590.480 are made to clarify that drivers who provide services to customers must carry at least the minimum liability insurance required by law. Also, subsection (e) has been added to clarify that foreign language interpreters who provide customer services must meet the approval of the customer and counselor.

Amendments to 590.490 clarify that interpreters referenced in subsection (d) refers to both foreign and sign language interpreters.

The term "client" has been changed to the preferred term of "customer" throughout the Subpart.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? Yes

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

Section Numbers	Proposed Action	Illinois Register Citation
590.500	Repealer	November 13, 1995, 19 Ill. Reg. 15366
590.510	Repealer	November 13, 1995, 19 Ill. Reg. 15366
590.520	Repealer	November 13, 1995, 19 Ill. Reg. 15366
590.530	Repealer	November 13, 1995, 19 Ill. Reg. 15366
590.540	Repealer	November 13, 1995, 19 Ill. Reg. 15366
590.550	Repealer	November 13, 1995, 19 Ill. Reg. 15366
590.560	Repealer	November 13, 1995, 19 Ill. Reg. 15366
590.570	Repealer	November 13, 1995, 19 Ill. Reg. 15366
590.580	Repealer	November 13, 1995, 19 Ill. Reg. 15366

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Wartner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone Number: (217) 785-3896
TTD/TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was not anticipated the rules would be promulgated at this time.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: APPLICABILITY

Section
590.10
General Applicability
590.20
Availability of Services
590.30
Effect of Financial Status on Services
590.35
Effect of Comparable Benefits
590.40
Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section
590.50
Provision of Services
590.60
Qualification of Medical and Psychological Service Providers
590.70
Treatment of Acute Conditions
590.80
Medication and Treatment
590.90
Hearing Aids
590.100
Binaural Hearing Aids
590.110
Speech and Language Services
590.120
Low Vision Aids
590.130
Mental Restoration Services
590.140
Heart Surgeries
590.150
Kidney Transplant and Related Services
590.160
Chiropractic Services
590.170
Prosthetic and Orthotic Device
590.180
Wheelchairs
590.190
Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section
590.200
Provision of Services
590.210
Qualification of Training Facilities/Institutions
590.220
Purpose and Types of Training
590.230
Financial Guidelines for Training Services
590.240
Graduate School Training
590.250
Choice of Training Facility/Institution
590.260
Summer School
590.270
Grades
590.280
Health Status
590.290
On-the-Job Training

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

590.300 Default on Educational Loans

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section

590.310 Provision of Services
 590.320 Self-Employment Program
 590.330 Services/Goods not Available
 590.340 Bidding Requirements
 590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
 590.360 Transfer of Title
 590.370 Limitation of Financial Participation (Repealed)

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section

590.375 Provision of Services
 590.380 Vendor Requirements
 590.390 Bidding Requirements
 590.400 Vehicle Adaptation
 590.410 DORS Financial Participation in Van Adaptation
 590.420 Environmental Modification
 590.430 Written Agreements for Environmental Modification
 590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section

590.450 Provision of Services
 590.460 Types of Services
 590.470 Services/Equipment
 590.480 Qualifications for Services Provided by Individuals
 590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section

590.500 Provision of Services
 590.510 Definitions
 590.520 Purpose of Equipment Loans
 590.530 Criteria for Loan of Equipment/Aids
 590.540 Equipment/Aids Loan Request Procedures and Approval Process
 590.550 Duration of Loans
 590.560 Maintenance and Return of Equipment/Aids
 590.570 Assistance in Obtaining Permanent Equipment/Aids
 590.580 Limitations on Available Equipment/Aids

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART H: OTHER SERVICES

Section

590.590 Provision of Services
 590.600 Transportation and Temporary Lodging
 590.610 Other Goods and Services
 590.620 Equipment Sets

SUBPART I: PLACEMENT

Section

590.630 Provision of Placement Services
 590.640 Description of Services

SUBPART J: MAINTENANCE

Section

590.650 Provision of Services
 590.660 Definitions
 590.670 Determination of the Need for Maintenance
 590.675 Determination of Client Financial Participation in Maintenance
 590.680 Exceptions to Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

Section

590.700 Provision of Services
 590.710 Definitions
 590.720 Scope of Services

SUBPART L: TRANSITION

Section

590.730 Provision of Services
 590.740 Definitions
 590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, amended at 19 Ill. Reg. 10709, effective June 29, 1995; effective June 29, 1995; amended at 19 Ill. Reg. _____, effective _____.

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Section 590.460 Types of Services

- a) For the purpose of this Subpart, Personal Support Services and Auxiliary Aids shall mean services provided by an individual or through electronic/mechanical devices (equipment) which allow customers clients with sensory, manual or speaking impairment to achieve a level of performance equal to that of an individual who does not have such impairments.
- b) Such services shall include personal assistance (PA) services, interpreter services (i.e., foreign language, sign language) for clients who are deaf, drivers, sensory augmentation devices, readers, notetakers and accessible format documents (e.g., Braille, large print, audio tape).

Section 590.470 Services/Equipment

- a) DORS shall provide such services to the customer client as determined necessary as a result of the Extended Evaluation (89 Ill. Adm. Code 553.80) and/or Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100) for the completion of his/her employment objective as described in his/her IWRP (89 Ill. Adm. Code 572).
- b) Services provided by an individual (i.e., interpreter for the deaf, notetaker, reader, PA services) under this Subpart shall continue until the completion of the customer's client's IWRP and attainment of a successful employment outcome and as determined necessary by the customer client and counselor.

c) DORS shall retain title to any equipment purchased for use by a customer. Prior to the purchase of any equipment for customer use, the customer must agree to maintain the equipment in proper working order and condition, agree to insure the equipment against loss, agree to replace the equipment if a loss occurs, and agree to return the equipment to DORS at anytime the customer has no further use for the equipment or is otherwise not using the equipment for the purpose for which it was purchased.

d) The customer may retain the equipment even after he/she has successfully attained his/her vocational goal and his/her case has been closed, pursuant to 89 Ill. Adm. Code 617, as long as he/she is using the equipment for the purpose which it was originally purchased.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 590.480 Qualifications for Services Provided by Individuals

Individuals providing services under this Subpart shall meet the following qualifications:

- a) PA services - such individuals shall meet the standards set forth at 89 Ill. Adm. Code 700 - Service Plan Development which enumerate the

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requirements for individuals who will provide PA services through DORS' Home Services Program.

- b) Readers and Notetakers - such an individual shall meet the approval of the customer client, with concurrence of the counselor, as to his/her ability to adequately perform such duties.
- c) Drivers - such an individual shall be licensed pursuant to the Illinois Motor Vehicle Code, carry at least the minimum required liability insurance, and shall meet the approval of the customer client, with concurrence of the counselor, as to his/her ability to adequately perform such duties.
- d) Interpreters for the Deaf - shall hold an appropriate Registered Interpreter for the Deaf (RID) certification or be approved by DORS and meet the approval of the customer client, with concurrence from the counselor.
- e) Foreign Language Interpreters - shall meet the approval of the counselor and customer.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

- a) Individuals providing PA services shall be paid only for those hours in which services are being provided to the customer client in the customer's client's home or on the customer's client's worksite and in accordance with the customer's client's IWRP (89 Ill. Adm. Code 572). An individual providing PA services to a VR customer client shall be paid at an hourly rate equal to that paid to an individual providing PA services through DORS' Home Services Program (see 89 Ill. Adm. Code 700.200(a)).

b) An individual providing reader or notetaker services shall be paid only for those hours in which such services are being directly provided to the customer client and in accordance with the customer's client's IWRP (89 Ill. Adm. Code 572). An individual providing reader or notetaker services shall be paid the hourly rate established by DORS but never less than the hourly Federal Minimum Wage.

c) An individual providing driver services to a customer client shall be paid an hourly rate for all driving and required waiting time and shall be reimbursed for mileage in accordance with State Travel Regulations (see 80 Ill. Adm. Code 3000. Appendix A). An individual providing drivers services shall be paid the hourly rate established by DORS for such services but never less than the Federal Minimum Wage.

d) An individual providing Interpreter Services, either foreign language or sign language, for-the-Deaf shall be paid at the hourly, 1/2 day or full day rate established by DORS for his/her level of certification and in accordance with the following:

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- 1) minimum payment shall be for a period of 2 hours even though actual work time may be less;
- 2) if there is less than a one hour lapse during provision of services (e.g., lunch, break) the individual shall be paid for the entire time span of the assignment;
- 3) an individual who is required to be on site even though he/she does not interpret shall be paid during that period of time;
- 4) an individual who must travel more than 20 miles one-way for an assignment shall be paid travel reimbursement in accordance with State Travel Regulations (80 Ill. Adm. Code 3000.Appendix A);
- 5) no payment shall be made to an interpreter whose assignment is cancelled more than 48 hours prior to the scheduled beginning of the assignment. If cancellation occurs less than 48 hours prior to the scheduled beginning of the assignment, payment for single day assignments, shall be paid for the entire scheduled assignment time. For multiple day assignments, the interpreter shall be paid for the time scheduled for the assignment during the first 48 hours of the scheduled assignment;
- 6) if a customer client does not appear for a scheduled appointment, the interpreter shall stay on-site for one hour. If the customer client does not appear after the one hour wait, the interpreter shall consult the DORS contact person for instructions. The interpreter shall be paid in accordance with the provisions of subsections (1), (3) and (5) and reimbursed for travel in accordance with subsection (4) above;
- 7) if an interpreter has to cancel a scheduled assignment, he/she shall contact the DORS contact person immediately and assist in finding a suitable replacement. The suitability of the replacement shall be determined by the DORS contact person. An interpreter who cancels a scheduled assignment shall not be paid for any of the scheduled services, reimbursed travel cost, or paid a finders fee for locating a replacement.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Grade Crossing Closure and Opening
- 2) Code Citation: 92 Ill. Adm. Code 1536
- 3) Section Numbers:

1536.10	Adopted Action:
1536.20	New Section
1536.30	New Section
1536.40	New Section
- 4) Statutory Authority: Implementing Section 18C-7401 and authorized by Section 18C-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18C-7401 and 5/18C-1202].
- 5) Effective Date of Rulemaking: November 8, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: November 7, 1995
- 9) Notice of Proposal Published in Illinois Register: March 10, 1995 at 19 Ill. Reg. 2550.
- 10) Has JCRC issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Section 1536.10 has been renamed "Petitions to Close Grade Crossing".
In subsection 1536.10(b), "Section 1536.10(a)" has been changed to "subsection (a) of this Section".
In subsection 1536.10(b), "Section 1536.10(a)" has been changed to "subsection (a) of this Section".
The word "and" had been deleted at the end of subsections 1536.10(b) 1 through (b)(6).

In Subsection 1536.10(b)(2) the following language has been added at the end: "and, if signalized when warning devices were installed or circuitry was updated;

Subsection 1536.10(b)(3) had been changed to read as follows: "the average daily vehicular traffic (ADT) which traverses the crossing and posted speed limit (if speed is not posted, it shall be assumed to be 55 mph for crossing outside of incorporated cities and municipalities, or 30 mph for crossings within the limits of incorporated cities and municipalities).

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The ADT, which must have been taken in a calendar year not more than two calendar years prior to the year of the filing of the petition, shall be obtained from the Illinois Department of Transportation (IDOT); however, if IDOT does not respond within 90 days to such a request, the petitioner may determine the ADT by performing a traffic study utilizing IDOT's current traffic monitoring practices and procedures."

Subsection 1536.10(b)(4) had been changed to read as follows: " the average number of freight train movements per day over the crossing, calculated by taking the total number of freight train movements which occur over the crossing during a period of 28 consecutive days and then dividing that number by 28;".

Subsection 1536.10(b)(5) had been changed to read as follows: " the average number of passenger train movements per day over the crossing, calculated by taking the total number of passenger train movements which occur over the crossing during a period of 28 consecutive days and then dividing that number by 28;".

Subsection 1536.10(b)(7) through 1536.10(b)(11) have been added.

Subsection 1536.10(c) has been changed to read as follows: "Parties to the proceeding or Commission staff may contest the validity of the information included in the petition in accordance with subsection (b) of this Section."

Section 1536.10 had been renamed "Criteria for Crossing Closure".

The word "or" has been deleted at the end of subsections 1536.20(a)(1) and (a)(2).

Subsection 1536.20(c) had been changed to read as follows: "(c) the ADT and TVSI thresholds for each category are:

Category	Characteristics	Closure Criteria
1: Incorporated/Signalized*		ADT ≤ 175 and TVSI ≥ 240
2: Incorporated/Unsignalized		ADT ≤ 175 and TVSI ≥ 240
3: Unincorporated/Signalized*		ADT ≤ 75 and TVSI ≥ 300
4: Unincorporated/Unsignalized		ADT ≤ 100 and TVSI ≥ 300

ILLINOIS COMMERCE COMMISSION

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*Where signal equipment or last circuitry update is 10 years old or older."

Subsection 1536.20(d) had been added and subsections (d) through (k) have been renumbered as (e) through (l). Subsection 1536.20(l), as proposed, has been deleted.

Subsection 1536.20(f) has been changed to read as follows: "The alternate public crossing shall not be considered adequate unless, in the case of an at-grade crossing, it is equipped with automatic warning devices and conforms with the requirements of 92 Ill. Adm. Code 1535, or it is grade separated."

In subsection 1536.20(g)(3) the words "or may legally be" have been inserted after "already".

Subsection 1536.20(g)(4) has been added.

Subsection 1536.20(i) had been changed to read as follows:

"i) The alternate public crossing will not be considered adequate if the amount of adverse distance, as measured along the centerline of the routes which comprise the alternate roadway, which the closure will cause:

- 1) is greater than 0.75 miles when any part of the railroad right-of-way or highway right-of-way at the crossing lies within an incorporated town, village or city, or abuts the corporate limits of any town, village or city; or
- 2) is greater than four miles in any other case."

Subsection 1536.20(j) had been changed to read as follows: "The Commission shall order the crossing closed if it meets the criteria set forth in subsections (d), (f), (g) and (i), of this Section or if, under the provisions of Section 18C-7401 of the Illinois Commercial Transportation Law [625 ILCS 5/18C-7401] (ICTL), the Commission finds, based on the totality of evidence presented, that public safety requires the crossing be closed and that public convenience served by the crossing in question is not such as to justify its further retention. No two consecutive crossings shall be closed without the consent of the affected highway agency(s) if the distance between the two crossing measured from the centerline of each crossing along the railroad's centerline is equal to or greater than one mile.

The following language has been added at the end of subsection 1536.20(l): "The Commission may also allocate costs to the highway agency when evidence of record supports allocation."

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NOTICE OF ADOPTED RULES

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Name: Kathy Campbell
Address: Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
Telephone: 217/785-4869

Section 1536.30 had been deleted in its entirety.
Section 1536.40 had been renumbered to 1536.30 and renamed "Petition to Open Grade Crossing".
Subsection 1536.50 has been renumbered to 1536.40 and renamed "Criteria for Crossing Opening".

Subsection 1536.40(a) had been changed to read as follows: "When a petition is filed to extend a public road, highway or street across a track at-grade the Commission shall determine if the following criteria are satisfied:".

In subsection 1536.40(a)(1) the words "inadequate or" have been added after "presently".

At the end of subsection 1536.40(a)(5) the following has been added: "which would result in substantial delay of, or hazard to, motor vehicles;".

New subsections 1546.40(b) and (c) have been added.

Renumbered subsection 1546.40(d) had been changed to read as follows: "The Commission shall allocate the cost associated with the construction of a new at-grade crossing or grade separation required by subsection (b) or (c) of this Section among the highway agency(s), IDOT, and the Grade Crossing Protection Fund. The Commission may also allocated costs to the railroad when evidence of record supports such allocation.".

The word "and" had been deleted from the end of subsections 1536.40(a)(1) through (a)(4).

Section 1536.60 had been deleted in its entirety.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Public Act 88-296 amended the Illinois Commercial Transportation Law to require the Commission to adopt standards for the closure and opening of at-grade crossing of public highways and railroads. This rulemaking implementing that law.

16) Information and questions regarding these adopted rules shall be directed to:

The full text of the Adopted Rule begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION
 CHAPTER III: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER C: RAIL CARRIERS

PART 1536
 GRADE CROSSING CLOSURE AND OPENING

Section

- 1536.10 Petition to Close Grade Crossing
 1536.20 Criteria for Crossing Closure
 1536.30 Petition to Open Grade Crossing
 1536.40 Criteria for Crossing Opening

AUTHORITY: Implementing Section 18c-7401 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401 and 18c-1202].

SOURCE: Adopted at 19 Ill. Reg. 15828, effective NOV-8-1995.

Section 1536.10 Petition to Close Grade Crossing

a) A party may petition the Commission to close a grade crossing of a public highway with the tracks of a registered rail carrier on the grounds that public safety requires such a closure. The Commission shall, at public hearing, consider the evidence presented in the petition. Such hearing shall be conducted in accordance with the Commission's rules of practice (83 Ill. Adm. Code 200).

b) The petition filed under subsection (a) of this section shall include the following information about the crossing:

- 1) whether the crossing is located in an incorporated city, village or town or in an unincorporated area;
- 2) whether the crossing is signalized (i.e., equipped with automatic flashing lights, with or without gates) or unsignalized (i.e., all other types of warning devices, including crossbuck signs, and, if signalized, when warning devices were installed or circuitry was updated;
- 3) the average daily vehicular traffic (ADT) which traverses the crossing and posted speed limit (if speed is not posted, it shall be assumed to be 55 mph for crossings outside of incorporated cities and municipalities, or 30 mph for crossings within the limits of incorporated cities and municipalities). The ADT, which must have been taken in a calendar year not more than two calendar years prior to the year of the filing of the petition, shall be obtained from the Illinois Department of Transportation (IDOT); however, if IDOT does not respond within 90 days to such a request, the petitioner may determine the ADT by performing a

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traffic study utilizing IDOT's current traffic monitoring practices and procedures;

- 4) the average number of freight train movements per day over the crossing, calculated by taking the total number of freight train movements which occur over the crossing during a period of 28 consecutive days and then dividing that number by 28;
 - 5) the average number of passenger train movements per day over the crossing, calculated by taking the total number of passenger train movements which occur over the crossing during a period of 28 consecutive days and then dividing that number by 28;
 - 6) the maximum timetable speed for freight and for passenger trains operating through the crossing;
 - 7) the location of the two nearest public rail-highway crossings;
 - 8) the crossing's accident history for the last 5 years;
 - 9) the alignments of the roadway and railroad and the angle of intersection of those alignments, and whether visibility of trains to motorists approaching the crossing or to motorists stopped at the crossing is adequate according to Appendix 1, "A Policy of Geometric Designs of Highways and Streets", published by the American Association of State Highway and Transportation Officials (AASHTO) in 1990 (no later editions or amendments included);
 - 10) the types of vehicular traffic that use the grade crossing (e.g., automobiles, trucks carrying hazardous materials, vehicles carrying passengers for hire, school buses, etc.); and
 - 11) the location and mailing address of emergency response units having responsibility for the area where the grade crossing is located, as obtained from the county sheriff or county emergency management agency.
- c) Parties to the proceeding or Commission staff may contest the validity of the information included in the petition in accordance with subsection (b) above.

Section 1536.20 Criteria for Crossing Closure

- a) The hearing examiner shall assign the crossing proposed for closure to one of the following categories:
- 1) Category 1: the crossing is located in an incorporated area and the crossing is signalized;
 - 2) Category 2: the crossing is located in an incorporated area and the crossing is unsignalized;
 - 3) Category 3: the crossing is located in an unincorporated area and the crossing is signalized; or
 - 4) Category 4: the crossing is located in an unincorporated area and the crossing is unsignalized.
- b) The categories listed in subsection (a) of this Section shall be differentiated by:
- 1) the crossing's ADT; and

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- 2) the crossing's Train Volume and Speed Index (TVSI), which is calculated by taking the average number of freight and passenger train movements per day which use the crossing and multiplying each by their maximum timetable train speed. This calculation is represented by the following equation:

$$TVSI = (Tf \times Sf) + (Tp \times Sp)$$

Where:

TVSI = Train Volume and Speed Index

Tf = Average number of freight trains/day

Tp = Average number of passenger trains/day

Sf = Maximum timetable speed for freight trains

Sp = Maximum timetable speed for passenger trains

- c) The ADT and TVSI thresholds for each category are:

Category	Characteristics	Closure Criteria
1:	Incorporated/Signalized*	ADT ≤ 125 and TVSI ≥ 240
2:	Incorporated/Unsignalized	ADT ≤ 175 and TVSI ≥ 240
3:	Unincorporated/Signalized*	ADT ≤ 75 and TVSI ≥ 300
4:	Unincorporated/Unsignalized	ADT ≤ 100 and TVSI ≥ 300

* Where signal equipment or last circuitry update is 10 years old or older.

- d) The Commission shall determine if the crossing meets the following criteria:

- 1) the crossing has a permanent or seasonal obstruction(s) whereby the visibility of trains to motorists approaching the crossing or to motorists stopped at the crossing is not adequate per Appendix 1, "A Policy of Geometric Designs of Highways and Streets", incorporated in Section 1536.10 (b)(9) of this Part;
- 2) the crossing has an ADT value less than or equal to the threshold for the category; and

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- 3) the crossing has a TVSI value equal to or greater than the threshold for the assigned category.
- e) The Commission shall consider evidence regarding the amount of adverse distance which closure will cause. For the purposes of this Part, adverse distance is defined as the distance which must be traveled, from one side of the crossing to be closed to reach a point adjacent to and on the opposite side of the crossing, via the nearest alternate public crossing and roadway. The Commission shall also consider the adequacy of the alternate crossing and roadway.
- f) The alternate public crossing shall not be considered adequate unless, in the case of an at-grade crossing, it is equipped with automatic warning devices and conforms with the requirements of 92 Ill. Adm. Code 1535, or it is grade separated.
- g) The alternate roadway shall be considered adequate if:
 - 1) it is a roadway with an all-weather surface;
 - 2) it is of sufficient width to accommodate its existing vehicular traffic plus the vehicular traffic rerouted by the closure, as determined by IDOT's Bureau of Local Roads and Streets;
 - 3) when an existing road is used as an alternate, the roadway is already, or may legally be, utilized by the same types of vehicular traffic as the roadway where the crossing is sought to be closed; and
 - 4) rerouting of the crossing's vehicular traffic over the alternate roadway will not have a significant adverse effect on public safety. Factors to be considered in making this determination include:
 - A) the extent to which rerouting will cause or increase an unsafe and incompatible mix of traffic on the alternate roadway;
 - B) the extent to which rerouting will increase emergency response time; and
 - C) any other evidence of record relating to the safe public use of the alternate roadway.
- h) Proponents of the closure will bear the burden of proving the alternate public crossing and roadway meet the requirements in subsections (f) and (g) above or will meet them after improvements have been made.
- i) The alternate public crossing will not be considered adequate if the amount of adverse distance, as measured along the centerline of the routes which comprise the alternate roadway, which the closure will cause:
 - 1) is greater than 0.75 miles when any part of the railroad right-of-way or highway right-of-way at the crossing lies within an incorporated town, village or city, or abuts the corporate limits of any town, village or city; or
 - 2) is greater than four miles in any other case.
- j) The Commission shall order the crossing closed if it meets the criteria set forth in subsections (d), (f), (g) and (i) of this

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Section or if, under the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401] (ICTL), the Commission finds, based on the totality of evidence presented, that public safety requires the crossing be closed and that public convenience served by the crossing in question is not such as to justify its further retention. No two consecutive crossings shall be closed in a row without the consent of the affected highway agency(s) if the distance between the two crossings from the centerline of each crossing along the railroad's centerline is equal to or greater than one mile.

k) The Commission shall, when such action is supported by the evidence, order the construction of a turn-around or cul-de-sac to accommodate school bus traffic and/or highway maintenance equipment affected by the crossing closure.

l) The Commission shall allocate the cost of any improvements found necessary to accommodate a crossing closure required by this Section among the railroad, IDOT and the Grade Crossing Protection Fund. The Commission may also allocate costs to the highway agency when evidence of record supports such allocation.

Section 1536.30 Petition to Open Grade Crossing

A party may petition the Commission to open a grade crossing of a public highway with the tracks of a registered rail carrier on the grounds that public necessity requires such an opening.

Section 1536.40 Criteria for Crossing Opening

a) When a petition is filed to extend a public road, highway or street across a track at grade the Commission shall determine if the following criteria are satisfied:

- 1) there is presently inadequate or no vehicular access to the area to be served by the crossing;
 - 2) alternate vehicular access cannot be provided at a cost equal to or less than the cost of establishing the crossing;
 - 3) the crossing would not meet the Commission's criteria for closure specified in Section 1536.20 of this Part;
 - 4) the crossing's average daily traffic (ADT) would be at least 1,000 vehicles per day within 3 years after the crossing was established;
 - 5) the crossing's location does not interfere with the railroad's operational activities such as switching and usage of a passing track(s) which would result in substantial delay of, or hazard to, motor vehicles; and
 - 6) the crossing does not pose risks to train crews or motorists beyond those normally associated with at-grade crossings.
- b) The Commission shall order the construction of a new at-grade crossing if all of the criteria set forth in subsection (a) above are satisfied

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or if, under the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401] (ICTL), the Commission finds, based on the totality of evidence presented, public convenience and necessity requires the opening.

c) Notwithstanding the provisions of subsection (b) above, the Commission may order the construction of a grade separation if evidence of record supports such a finding.

d) The Commission shall allocate the cost associated with the construction of a new at-grade crossing or grade separation required by subsection (a), (b) or (c) above among the highway agency(s), IDOT, and the Grade Crossing Protection Fund. The Commission may also allocate costs to the railroad when evidence of record supports such allocation.

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1) Heading of the Part: Aid to Families with Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Emergency Action:

112.65 New Section

4) Statutory Authority: Sections 4-1 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1 and 12-13] and Public Act 89-6.

5) Effective Date of Amendments: November 15, 1995

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency amendments will not expire before the end of the 150-day period.

7) Date Filed in Agency's Principal Office: November 15, 1995

8) Reason for Emergency: In accordance with provisions of Public Act 89-6, these emergency amendments implement the Employability Plan effective November 15, 1995. This demonstration project will require all AFDC clients and applicants to develop and complete a plan that outlines the family's steps to get work. Failure to have a plan will result in denial or termination of AFDC benefits for the entire family until a plan has been completed and approved by Department staff. Public Act 89-6 allows the Department to implement these changes through the use of emergency rulemaking.

9) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Act 89-6, these emergency amendments enable the Department to require all applicants and recipients to prepare a personal employability plan as a condition of eligibility. This rulemaking also outlines the Department's requirement to advise clients of the value and benefits of employment and of the need for all recipients to move toward self-sufficiency.

Within six months of implementation, all current recipients and all applicants at the time of approval will be required to complete a personal plan for achieving employment as a condition of eligibility. Clients will be required to think about and begin formulating a plan for finding work. Clients will record their education level and work history and assess their strengths and weaknesses on a special form being developed by Department staff. The employability plan will help recipients establish goals and will help Department staff stress the point that all clients should be preparing for work and taking steps to become self-sufficient. If a client does not complete the employability plan, the entire case will be ineligible. Companion amendments are being proposed to 89 Ill. Adm.

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Code 170.

10) Are there any Proposed Amendments pending to this Part? Yes

Sections Proposed Action Illinois Register Citation

112.65	New Section	September 15, 1995 (19 Ill. Reg. 12927)
112.70	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.71	Amendment	August 18, 1995 (19 Ill. Reg. 11773)
112.71	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.72	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.73	Amendment	August 18, 1995 (19 Ill. Reg. 11773)
112.74	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.76	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.77	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.78	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.79	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.251	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.252	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.253	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.254	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.303	Amendment	October 6, 1995 (19 Ill. Reg. 13759)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section
112.1 Description of the Assistance Program
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent
112.65 Employment Plan

EMERGENCY

112.67 Restriction in Payment to Households Headed by a Minor Parent

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section
112.70 Participation Requirements for JOBS
112.71 Individuals Exempt from JOBS
112.72 JOBS Participation/Cooperation Requirements
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74 JOBS Initial Assessment Process/Development of an Employability Plan
112.76 JOBS Orientation
112.77 Conciliation and Fair Hearings
112.78 JOBS Components
112.79 JOBS Sanctions
112.80 Good Cause for Failure to Comply with JOBS Participation Requirements
112.81 Responsible Relative Eligibility For JOBS
112.82 JOBS Supportive Services

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112.83 Young Parents Program
112.84 Work Experience Evaluation Project
112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section
112.86 Project Advance
112.87 Project Advance Experimental and Control Groups
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.90 Project Advance Sanctions
112.91 Good Cause for Failure to Comply with Project Advance
112.93 Individuals Exempt From Project Advance
112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section
112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump Sum Payments
112.128 Protected Income
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-Contractual School Employees
112.137 Termination of Employment

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112.138 Transitional Payments (Repealed)
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income From Work/Study/Training Program
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers
 112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section

112.250 Grant Levels
 112.251 Payment Levels in AFDC
 112.252 Payment Levels in AFDC Group I Counties
 112.253 Payment Levels in AFDC Group II Counties
 112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section

112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Monthly Reporting
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Aliens
 112.308 Special Needs Authorizations
 112.309 Institutional Status
 112.315 Young Parent Program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Extension of Medical Assistance Due to Increased Income from Employment
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

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112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

Section

112.350 Child Care
 112.352 Child Care Eligibility
 112.354 Qualified Provider
 112.356 Notification of Available Services
 112.358 Participant Rights and Responsibilities
 112.362 Additional Service to Secure or Maintain Child Care Arrangements
 112.364 Rates of Payment for Child Care
 112.366 Method of Providing Child Care
 112.370 Non-JOBS Education and Training Program

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400 Transitional Child Care Eligibility
 112.404 Duration of Eligibility for Transitional Child Care
 112.406 Loss of Eligibility for Transitional Child Care
 112.408 Qualified Child Care Providers
 112.410 Notification of Available Services
 112.412 Participant Rights and Responsibilities
 112.414 Child Care Overpayments and Recoveries
 112.416 Fees for Service for Transitional Child Care
 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4

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Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894;

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peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11117, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Admin. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14881, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172,

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13562, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.65 Employment Plan

EMERGENCY

- a) The Department shall advise every applicant and recipient of:
- 1) the requirement that all recipients move toward self-sufficiency; and
 - 2) the value and benefits of employment.
- b) As a condition of eligibility for the entire assistance unit, applicants must prepare and submit a personal plan for achieving employment. Active recipients who have not previously prepared and submitted a personal plan for achieving employment must do so. This condition of eligibility applies to all applicants and recipients of cash assistance except those who have good cause for not completing the plan. Good cause exists only if the applicant or recipient is employed 20 or more hours per week.
- c) This Section is subject to the approval of the appropriate federal waiver.
- d) This Section applies to all AFDC applicants and recipients except for those in cases designated as control cases in research sites.

(Source: Emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Demonstration Programs
- 2) Code Citation: 89 Ill. Adm. Code 170
- 3) Section Number: Emergency Action:
170.390 New Section
- 4) Statutory Authority: Sections 4-1 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1 and 12-13] and Public Act 89-6.
- 5) Effective Date of Amendments: November 15, 1995

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: November 15, 1995

8) Reason for Emergency: In accordance with provisions of Public Act 89-6, these emergency amendments implement the Employability Plan effective November 15, 1995. This demonstration project will require all AFDC clients and applicants to develop and complete a plan that outlines the family's steps to get work. Failure to have a plan will result in denial or termination of AFDC benefits for the entire family until a plan has been completed and approved by Department staff. Public Act 89-6 allows the Department to implement these changes through the use of emergency rulemaking.

9) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Act 89-6, these emergency amendments enable the Department to require all applicants and recipients to prepare a personal employability plan as a condition of eligibility. This rulemaking also outlines the Department's requirement to advise clients of the value and benefits of employment and of the need for all recipients to move toward self-sufficiency.

Within six months of implementation, all current recipients and all applicants at the time of approval will be required to complete a personal plan for achieving employment as a condition of eligibility. Clients will be required to think about and begin formulating a plan for finding work. Clients will record their education level and work history and assess their strengths and weaknesses on a special form being developed by Department staff. The employability plan will help recipients establish goals and will help Department staff stress the point that all clients should be preparing for work and taking steps to become self-sufficient. If a client does not complete the employability plan, the entire case will be ineligible.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Companion amendments are also being proposed to 89 Ill. Adm. Code 112.

10) Are there any Proposed Amendments pending to this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
170.300	Amendment	July 7, 1995 (19 Ill. Reg. 8933)
170.350	New Section	July 21, 1995 (19 Ill. Reg. 10381)
170.360	New Section	August 4, 1995 (19 Ill. Reg. 11316)
170.370	New Section	August 4, 1995 (19 Ill. Reg. 11316)
170.380	New Section	October 6, 1995 (19 Ill. Reg. 13789)
170.400	New Section	November 17, 1995 (19 Ill. Reg. 15572)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 9: DEMONSTRATION PROGRAMS

PART 170
DEMONSTRATION PROGRAMS

SUBPART A: THE FRESH START
WELFARE REFORM DEMONSTRATION PROGRAM

Section
170.10 Youth Employment and Training Initiative
170.20 Paternal Involvement Project
170.30 Homeless Families Support Project
170.40 Family Responsibility Project
170.50 Income Budgeting Project

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section
170.100 The Career Advancement Program
170.110 Career Advancement Experimental and Control Groups
170.120 Career Advancement Participation Requirements of Experimental Group Members
170.130 Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section
170.200 Community Group Participation Program

SUBPART D: EARNED INCOME INITIATIVE

Sections
170.250 Work Pays Demonstration

SUBPART E: FAMILY DEVELOPMENT PLAN

170.300 Truancy Prevention Project

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section
170.360 Get a Job Initiative
EMERGENCY
170.380 Quarterly Reporting - Failure to Report Employment Demonstration Project
EMERGENCY

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

170.390 Employment Plan Demonstration Project
EMERGENCY

AUTHORITY: Implementing and authorized by Sections 4-1, 4-1.10, 4-8, 4-17, 11-20, 12-13 and 12-4.28 of the Illinois Public Aid Code [305 ILCS 5/Arts. 4-1, 4-1.10, 4-8, 4-17, 11-20, 12-13 and 12-4.28].

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3372, effective February 28, 1994; emergency amendment at 19 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 7901, effective June 8, 1995; emergency amendment at 19 Ill. Reg. 15256, effective November 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. **15849**, effective November 15, 1995, for a maximum of 150 days.

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section 170.390 Employment Plan Demonstration Project
EMERGENCY

- a) The Department shall advise every applicant and recipient of:
- 1) the requirement that all recipients move toward self-sufficiency: and
 - 2) the value and benefits of employment.
- b) As a condition of eligibility for the entire assistance unit, applicants must prepare and submit a personal plan for achieving employment. Active recipients who have not previously prepared and submitted a personal plan for achieving employment must do so. This condition of eligibility applies to all applicants and recipients of cash assistance except those who have good cause for not completing the plan. Good cause exists only if the applicant or recipient is employed 20 or more hours per week.
- c) This Section is subject to the approval of the appropriate federal waiver.
- d) This Section applies to all AFDC applicants and recipients except for those in cases designated as control cases in research sites.

(Source: Emergency amendment at 19 Ill. Reg. **15849**, effective November 15, 1995, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of the Part: Long Term Care Reimbursement Changes

Code Citation: 89 Ill Adm Code 153

Section Numbers: 153.100

Date Originally Published in the Illinois Register: 7/14/95
19 Ill Reg 9383

At its meeting on November 14, 1995, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that DPA seek statutory authority amending Section 5-5.4 of the Illinois Public Aid Code [305 ILCS 5-5.4] to specifically authorize establishing reasonable exceptions to statutory reimbursement rate freezes.

Additionally, JCAR recommends that DPA refrain from introducing, at Second Notice, substantive changes not directly related to the original proposed rulemaking, thus circumventing the public notice and opportunity for public comment requirements of the Illinois Administrative Procedure Act. Although the proposed rulemaking and the changes both relate to facility reimbursement rates, the specific rates being affected by Second Notice changes were not addressed by the rulemaking when public notice was given.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

DEPARTMENT OF PUBLIC AID

NOTICE OF PUBLIC INFORMATION

REIMBURSEMENT CHANGES FOR LONG TERM CARE FACILITIES

In conformance with 42 CFR 483.55 and 42 CFR 483.460, the Illinois Department of Public Aid is including an add-on for emergency dental services in the reimbursement rates for long term care facilities. Such facilities shall receive \$.10 per resident day for emergency dental services which include services needed to treat an episode of acute pain in the teeth, gums or palate; broken or otherwise damaged teeth; or any other problem of the oral cavity, appropriately treated by a dentist, that requires immediate attention.

These provisions concerning dental reimbursement are contained in proposed amendments to 89 Ill. Adm. Code 153.100.

These reimbursement changes are expected to increase aggregate Department expenditures by approximately \$2.4 million annually.

If any person or entity wishes to comment on these changes, they may do so by sending comments to:

Illinois Department of Public Aid
Bureau of Rules and Regulations
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762-0001

Information regarding these changes may be reviewed at any local Public Aid office in counties other than Cook County. In Cook County, information on these changes may be reviewed at the Office of the Director, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The information may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. This notice is being provided in accordance with federal requirements at 42 CFR 447.205.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: (20 ILCS 2515/1)

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 1995. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Agents
Agricultural Producers and Products
Assessments
Automobile Renting Tax
Bingo
Books and Records
Bulk Sales
C.O.A.D.
Certificate of Registration
Charitable Games
Cigarette Tax
Claims for Credit
Coal Fueled Devices
Coal Mining Equipment
Coins & Precious Metals
Computer Software

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Construction Contractors
Cooperative Associations
Delivery Charges
Distillation Machinery
Drug Tax Stamps
Drugs
Enterprise Zones
Exempt Organizations
Farm Machinery & Equipment
Federal Excise Tax
Financial Institutions
Food
Food, Drugs & Medical Appliances
Governmental Bodies
Graphic Arts
Gross Receipts
Hotel Operators' Tax
Interest
Interstate Commerce
Itinerant Vendors
Invested Capital Tax
Leasing
Liquor Tax
Local Taxes
Mandatory Service Charges
Manufacturer's Purchase Credit
Manufacturers
Manufacturing Machinery & Equipment
Medical Appliances
Miscellaneous
Motor Fuel Tax
Motor Vehicles
Newsprint & Ink
Nexus
Nonprofit Institutions
Occasional Sale
Oil Field Equipment
Penalties
Pollution Control Facilities
Prepaid Sales Tax
Products of Photoprocessing
Property Tax
Public Utility Taxes
Real Estate Transfer Tax
Repairs
Replacement Vehicle Tax
Returns
Rolling Stock Exemption

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Sale at Retail
 Sale of Service
 Service Occupation Tax
 Signature
 Special Order
 Statute of Limitations
 Tax Collection
 Tax Increment Financing
 Tax Rate
 Telecommunications Excise Tax
 Temporary Storage
 Tire User Fee
 Trade-Ins
 Use Tax
 Vehicle Use Tax
 Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Legal Services Office
 101 West Jefferson Street
 Springfield, IL 62794
 (217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1995 THIRD QUARTER SUNSHINE INDEX

AGENTS

95-0367 08/28/1995 An auctioneer acting on behalf of an unknown or undisclosed principal is considered to be the owner of the tangible personal property that will be auctioned and is responsible for Retailers' Occupation Tax on the gross receipts from the sale. See 86 Ill. Adm. Code 130.1915. (This is a GIL.)

AGRICULTURAL PRODUCERS AND PRODUCTS

95-0323 08/10/1995 Gross receipts from proceeds from the sale of semen used for artificial insemination of livestock for direct agricultural production are exempt from taxation. See 86 Ill. Adm. Code 130.305. (This is a GIL.)

CLAIMS FOR CREDIT

95-0330 08/10/1995 If a taxpayer pays an amount of tax under the Retailers' Occupation Tax Act that is not due, either as a result of a mistake of fact or an error of law, the taxpayer may file a claim for credit with the Department. See 86 Ill. Adm. Code 130.1501. (This is a GIL.)

95-0333 08/10/1995 A retailer's determination as to whether it will make a refund of the amount of the tax to a customer and file a claim for credit is a matter between the retailer and its customer. The Illinois Department of Revenue has no authority to compel a retailer to refund taxes to a customer and file a claim for credit. See 86 Ill. Adm. Code 130.1501. (This is a GIL.)

95-0385 09/15/1995 Claims for credit and refunds are available when a person shows that he paid tax to the Department as a result of a mistake of fact or law. Only the remitter of the tax erroneously paid to the Department is authorized to obtain a refund. In order to obtain a credit, one must first demonstrate that he or she has borne the burden of the tax erroneously paid. See 86 Ill. Adm. Code 130.1501. (This is a GIL.)

95-0398 09/22/1995 Only persons who have actually paid tax to the Department can file a claim for credit. See 86 Ill. Adm. Code 130.1501. (This is a GIL.)

COMPUTER SOFTWARE

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

- 95-0311 08/01/1995 The factors for determining whether software has been licensed are set out at 86 Ill. Adm. Code 130.1935(a). (This is a GIL.)
- 95-0336 08/10/1995 A sale of "canned" computer software is a taxable retail sale. If the computer software consists of custom computer programs or meets the requisite criteria as a license of computer software, then the sale or license of such software is not a taxable retail sale. See 86 Ill. Adm. Code 1935. (This is a GIL.)

CONSTRUCTION CONTRACTORS

- 95-0300 07/14/1995 Construction contractors that make improvements to real estate by taking materials off the market and permanently affixing them to real estate do not incur Retailers' Occupation Tax liability, but owe Use Tax on the cost price of those materials. (This is a GIL.)
- 95-0359 08/24/1995 If a person permanently affixes or incorporates a mobile home into real estate, that person is acting as a construction contractor for purposes of the Illinois sales tax law. See 86 Ill. Adm. Code 130.1940. (This is a GIL.)
- 95-0368 08/30/1995 A taxpayer functions as a construction contractor only if the tangible personal property installed is permanently affixed to realty. If this is the case, then the taxpayer incurs a Use Tax liability and a local occupation tax reimbursement liability based on his cost price. This liability is paid to suppliers at the rate in effect at the suppliers' location. See 86 Ill. Adm. Code 130.1940. (This is a GIL.)

- 95-0370 09/05/1995 Construction contractors that make improvements to real estate by taking materials off the market and permanently affixing them to real estate do not incur Retailers' Occupation Tax liability, but owe Use Tax on the cost price of those materials. See 86 Ill. Adm. Code 130.1940. (This is a GIL.)

- 95-0391 09/18/1995 Persons who permanently affix tangible personal property to real estate, thereby making improvements to real estate, are considered to be contractors. In Illinois, contractors are deemed to be the users of the items that they permanently affix to realty and owe Use Tax on the cost price of the tangible personal property that they so affix to real estate. See 86 Ill. Adm. Code 130.1904. (This is a GIL.)

DELIVERY CHARGES

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

- 95-0328 08/10/1995 Whether freight charges are subject to Retailers' Occupation Tax liability depends upon whether the freight charges are included in the selling price of the property or are contracted for separately by the purchaser and the retailer. See 86 Ill. Adm. Code 130.415. (This is a GIL.)

ENTERPRISE ZONES

- 95-0355 08/23/1995 The Enterprise Zone Exemption applies to qualifying building materials purchased from a retailer located in the jurisdiction that created the enterprise zone. Qualifying materials include those that will be incorporated into real estate located in an enterprise zone by remodeling, rehabilitation, or new construction. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)
- 95-0357 08/24/1995 In order for an electrical transformer to qualify for the enterprise zone building materials sales tax exemption, the transformer must be permanently affixed to real estate. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)

- 95-0363 08/28/1995 Tangible personal property purchased by DCCA certified purchasers for use of consumption within an Enterprise Zone in the process of manufacturing or assembling tangible personal property is exempt from Retailers' Occupation Tax. This exemption does not extend to tangible personal property which is not used or consumed in the manufacturing or assembling process itself. Two-way radio equipment does not qualify for the exemption since the equipment is used for general communications activities. See 86 Ill. Adm. Code 130.1951(b). (This is a GIL.)

EXEMPT ORGANIZATIONS

- 95-0313 08/07/1995 Letters of exemption issued by the Department of Revenue pursuant to 86 Ill. Adm. Code 130.2005 and 130.2007 provide for exemption from Retailers' Occupation Tax, Service Occupation Tax, and the corresponding Use Taxes, only. These letters do not exempt organizations from any other taxes or fees. (This is a GIL.)

- 95-0322 08/10/1995 Only those organizations that have applied for and obtained an Illinois Exemption Identification Number pursuant to 86 Ill. Adm. Code 130.2007 may claim the exemption from Illinois Sales Tax provided by 130.2005. (This is a GIL.)

- 95-0354 08/22/1995 IL exemption numbers are not valid outside IL. \$1.00

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

95-0364 08/28/1995 Organizations that make application to the Department and are determined to be "exclusively" charitable, religious or educational, receive a tax exemption identification number. An organization which has secured a tax exemption identification number from the Department is exempt from Use Tax when purchasing tangible personal property in furtherance of its organizational purposes. See 86 Ill. Adm. Code 130.2005 and 130.2007. (This is a GIL.)

FARM MACHINERY AND EQUIPMENT

95-0306 07/14/1995 Motor vehicles that are required to be registered under the Illinois Motor Vehicle Code are specifically excluded from the farm machinery and equipment exemption. (This is a GIL.)

FOOD.

95-0292 07/10/1995 The manner in which food is taxed depends upon the nature of the establishment that is selling the food. As described in 86 Ill. Adm. Code 130.310(b)(3), delicatessens, markets, dairies, bakeries, and other establishments that sell food items primarily (more than 50%) in quantities greater than individual sized servings incur tax at the lower 1% rate plus applicable local taxes. (This is a GIL.)

95-0369 09/01/1995 When a not-for-profit fraternity or sorority sells food, beverages, or other tangible personal property to its members for use or consumption, the fraternity or sorority is considered to be a retailer under the Retailers' Occupation Tax Act and incurs Retailers' Occupation Tax liability on its receipts from such sales. See 86 Ill. Adm. Code 130.115. (This is a GIL.)

FOOD, DRUGS AND MEDICAL APPLIANCES

95-0312 08/07/1995 This letter discusses the taxability of Food, Drugs and Medical Appliances. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

95-0327 08/10/1995 This letter discusses the taxability of Food, Drugs and Medical Appliances. See 86 Ill. Adm. Code 130.305. (This is a GIL.)

95-0374 09/06/1995 Items subject to the lower (1%) tax rate include prescription and nonprescription medicines and drugs, medical appliances, and insulin, urine testing utensils, syringes, and needles used by diabetics, for human use. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

GOVERNMENTAL BODIES

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

95-0297 07/13/1995 Section 130.2055 of the Department's regulations provides that the State of Illinois or any local governments in Illinois, or any agency or instrumentality of any such governmental body, incurs Retailers' Occupation Tax liability when it engages in the selling of tangible personal property at retail to the public other than in the performance of a governmental function. (This is a GIL.)

95-0310 07/28/1995 86 Ill. Adm. Code 130.2055 provides that governmental units, including State agencies, incur Retailers' Occupation Tax liability when selling tangible personal property to the public for use or consumption. The only exception is the sale of an item by a governmental unit in the performance of its governmental function.

95-0332 08/10/1995 Employees of the U.S. Government may make tax exempt purchases if those purchases are billed to U.S. Government issued bank cards or credit cards. (This is a GIL.)

GRAPHIC ARTS

95-0389 09/18/1995 The Retailers' Occupation Tax does not apply to the sale of machinery and equipment, including repair and replacement parts thereof, both new and used in including that manufactured on special order to be used primarily in graphic arts production. Printing plates qualify for the graphic arts machinery and equipment exemption when the plates are capable of sustained use (i.e., thousands of copies). See 86 Ill. Adm. Code 130.325. (This is a GIL.)

GROSS RECEIPTS

95-0335 08/10/1995 Whether shipping and handling or delivery charges may be deducted by a retailer in determining the retailer's Retailers' Occupation Tax liability depends on whether the shipping and handling or delivery charges are included in the selling price of the property or are contracted for separately by the purchaser and the retailer. See 86 Ill. Adm. Code 130.415. (This is a GIL.)

95-0380 09/14/1995 If a retailer sells cellular phones to its customers, then it incurs Retailers' Occupation Tax measured by its gross receipts from the sales. At the time the retailer purchases cellular phones from a vendor, it should supply a Certificate of Resale to the vendor. Then, when the retailer sells the cellular phone, it will pay Retailers' Occupation Tax based on the amount it receives from its customer. (This is a GIL.)

INTERSTATE COMMERCE

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

95-0388 09/15/1995 Section 130.605(c) states that Retailers' Occupation Tax does not apply where the seller ships goods by carrier or by mail, according to the terms of the agreement with the purchaser, and the seller delivers the goods from a point within Illinois to a point outside Illinois and the goods are not to be returned to Illinois. Such sales are considered to be sales in interstate commerce and are exempt from Illinois Retailers' Occupation Tax. (This is a GIL.)

INVESTED CAPITAL TAX

95-0317 08/08/1995 A company which only installs, services, and maintains coin operated telephones is not subject to the Invested Capital Tax contained in the Messages Tax Act. Therefore, this company does not need to file Form ICM-4, the Invested Capital Tax Return, with the Department. (This is a GIL.)

LOCAL TAXES

95-0358 08/24/1995 This letter describes the types of rental vehicles that are subject to tax under the Metropolitan Pier and Exposition Authority Act. See 86 Ill. Adm. Code 180.101. (This is a GIL.)

MANUFACTURING MACHINERY AND EQUIPMENT

95-0305 07/14/1995 The use of machinery or equipment to convert natural gas into a liquid for storage, and then back again to a vapor for sale, does not qualify for the manufacturing machinery and equipment exemption. (This is a PLR.)

95-0316 08/08/1995 The manufacturing machinery and equipment exemption does not apply to electricity and natural gas consumed in a manufacturing process. See 86 Ill. Adm. Code 130.330(c)(3). (This is a GIL.)

95-0334 08/10/1995 Machinery or equipment used to package tangible personal property for shipment to retailers or distributors, who will unpack the property before sale to the ultimate consumer, does not qualify for the manufacturing machinery and equipment exemption. See 86 Ill. Adm. Code 130.330(d)(3)(E). (This is a GIL.)

95-0350 08/21/1995 Machinery and equipment that is used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease qualifies for the manufacturing machinery and equipment exemption. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

95-0375 09/07/1995 Endloaders which are used to transport sandstone from a blasting site to a crushing screen do not qualify for the manufacturing machinery and equipment exemption. See 86 Ill. Adm.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Code 130.330. (This is a GIL.)

95-0390 09/18/1995 Chemical formulas that provide a protective barrier over the copper surfaces of bare copper printed circuit boards and remain on the completed circuit boards qualify for the manufacturing machinery and equipment exemption. See 86 Ill. Adm. Code 130.210. (This is a GIL.)

95-0397 09/19/1995 A crane used for the installation of manholes into the ground does not qualify for the Manufacturing Machinery and Equipment exemption from the Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

MEDICAL APPLIANCES

95-0298 07/13/95 A reduced tax rate of 1% is applied to medicines and medical appliances. A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. (This is a GIL.)

95-0303 07/14/1995 Oxygen concentrators may qualify for the low rate of tax if they are part of a system used in breathing by patients who have breathing disabilities. If they are not part of a system used in breathing by patients who have breathing disabilities, these items are subject to the normal rate of tax. Further, nebulizers merely administer medication to patients and therefore do not constitute medical appliances. (This is a GIL.)

95-0315 08/08/1995 Devices that provide support only do not qualify as medical appliances subject to the low rate of tax. However, braces that provide a level of support that actually restricts mobility and impairs the function of the body part being braced do qualify as medical appliances subject to the low rate of tax. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

95-0324 08/10/1995 Prescription eyeglass lenses qualify as medical appliances and are taxable at the low rate of tax under Section 130.310(c)(2). (This is a GIL.)

95-0325 08/10/1995 A hearing aid qualifies as a medical appliance under 86 Ill. Adm. Code 130.310. (This is a GIL.)

95-0337 08/10/1995 A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.330(c). (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

95-0356 08/24/1995 Special mattresses which are of assistance to persons with various physical infirmities do not qualify for the low rate of tax because they do not fall within the definition of medical appliances. These items do not directly substitute for a malfunctioning part of the body. Therefore, they are subject to the normal rate of tax. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

95-0379 09/13/1995 In Illinois, a lessor of medical appliances incurs Use Tax on the cost price of the medical appliances, such as wheelchairs, canes, and crutches, purchased for lease to individuals at the lower rate of 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

95-0384 09/15/1995 The definition of medical appliance includes only those items which are intended by the manufacturer for use in directly substituting for a malfunctioning part of the body. Dental prostheses constitute medical appliances. They are items which are used as a direct substitute for a malfunctioning part of the body. Bleaching agents, such as the teeth whitening agents you have mentioned, do not qualify for the low rate. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

MISCELLANEOUS

95-0295 07/12/1995 The Department will not approve the accuracy of private legal publications. (This is a GIL.)

95-0307 07/18/1995 Sections 8-11-1 and 8-11-5 of the Municipal Code (65 ILCS 5/8-11-1 and 5/8-11-5) authorize home rule municipalities to impose, respectively, a Home Rule Municipal Retailers' Occupation Tax and Home Rule Municipal Service Occupation Tax. These taxes are to be collected and enforced by the Illinois Department of Revenue. In its administration of these taxes, the Department is (with few exceptions) required to utilize the same tax base and procedures applicable to the Retailers' Occupation Tax and the Service Occupation Tax. The provisions of the Municipal Code cited above mandate this uniformity by incorporating by reference specific provisions of both the Retailers' Occupation Tax Act and the Service Occupation Tax Act. The Municipal Code also requires that a municipality submit a certified copy of its ordinance to the Department on or before October 1, whereupon the Department will begin to enforce the tax the following January 1.

95-0308 07/21/1995 Taxes that are excepted from Chapter 7 discharge are set forth at Section 523(a)(1) of the United States Code Annotated, 11 U.S.C.A. 523(a)(1). (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

95-0314 08/07/1995 If a tax is not dischargeable in bankruptcy, the penalty and interest incurred concerning such tax is also not dischargeable. (This is a GIL.)

95-0331 08/10/1995 The Department does not currently have a reward or other financial incentive program for individuals who report tax fraud in Illinois. (This is a GIL.)

95-0342 08/10/1995 Notice of a jeopardy assessment lien is sufficient when sent by certified mail, return receipt requested, to the taxpayer at his or her last known address. See 86 Ill. Adm. Code 428.130(c). (This is a GIL.)

95-0343 08/10/1995 This letter sets out three procedural methods by which taxpayers can challenge assessments issued under the Retailers' Occupation Tax Act. (This is a GIL.)

95-0365 08/28/1995 Due to confidentiality requirements imposed by statute, the Department cannot grant the request made in this letter. 35 ILCS 120/11 provides that "All information received by the Department from returns filed under this Act, or from any investigation conducted under this Act, shall be confidential, except for official purposes ...". (This is a GIL.)

95-0377 09/12/1995 Response is to an annual questionnaire. (This is a GIL.)

95-0378 09/12/1995 The value of "Hostess Dollars" earned by a hostess based upon sales made at her home party, and applied to her purchase of merchandise at the party is taxable. See 86 Ill. Adm. Code 130.101, 130.401, 130.410. (This is a GIL.)

MOTOR FUEL TAX

95-0344 08/11/1995 This letter discusses the Motor Fuel Tax on diesel fuel. \$1.00

95-0382 09/14/1995 The sales tax exemption for gasoline sales is applicable to the retailer's gross receipts from sales of gasoline and does not apply to "purchases" of gasoline by the retailer. It is the composition product sold by the retailer which determines the availability of the exemption - not the composition product purchased by the retailer. The retailer is only eligible for the sales tax exemption if the actual mixture flowing from the pump is gasoline. See 86 Ill. Adm. Code 130.320. (This is a GIL.)

MOTOR VEHICLES

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

95-0301 07/14/1995 A retailer of motor vehicles must report the sale of each motor vehicle on a separate Form 556 transaction reporting return. (This is a GIL.)

NEXUS

95-0294 07/12/1995 The Department is currently determining whether the two prong test in Quill has been satisfied on a case-by-case basis. (This is a GIL.)

95-0339 08/10/1995 The United States Supreme Court in Quill Corp. v. North Dakota, 112 S.Ct. 1904 (1992), set forth the current guidelines for determining what nexus requirements must be met before a person is properly subject to a state's tax laws. (This is a GIL.)

95-0346 08/15/1995 This letter discusses nexus issues related to a televised shopping program. See 86 Ill. Adm. Code 150.201 and 150.801. (This is a PLR.)

95-0347 08/15/1995 This letter discusses nexus issues related to a company with subsidiaries in Illinois. See 86 Ill. Adm. Code 150.201 and 150.801. (This is a PLR.)

OCCASIONAL SALES

95-0296 07/12/1995 Persons who make isolated or occasional sales do not incur Retailers' Occupation Tax liability. (This is a PLR.)

95-0353 08/22/1995 Persons who make isolated or occasional sales do not incur Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.110. (This is a PLR.)

POLLUTION CONTROL FACILITIES

95-0318 08/08/1995 A "microbial bioreactor system" which converts waste oils in water to carbon dioxide prior to discharge into a sewer system may qualify for the pollution control facilities exemption from ROT if the purchaser certifies that it will be used as a pollution control facility. See 86 Ill. Adm. Code 130.335(a). (This is a GIL.)

95-0348 08/16/1995 A desulfurization unit and its component subunits can qualify for the pollution control facilities exemption. The pollution control facilities exemption does not extend to such items as a building used to store chemical storage tanks, a closed-circuit television system, and the components of a telephone and building wide paging system. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

95-0396 09/19/1995 Sludge disposal bags do not qualify for the Pollution Control Facilities exemption from sales tax. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

PROPERTY TAX

95-0299 07/13/1995 The Senior Citizens Tax Freeze Homestead Exemption, as set forth in the Property Tax Code, 35 ILCS 200/15-172, provides an exemption for real property that is improved with a permanent structure that is occupied as a residency by an applicant who (i) is 65 years of age or older during the taxable year, (ii) has a household income of \$35,000 or less, (iii) is liable for paying real property taxes on the property, and (iv) is an owner of record of the property or has a legal or equitable interest in the property as evidenced by a written instrument. (This is a GIL.)

PUBLIC UTILITY TAXES

95-0360 08/25/1995 In order to incur Gas Revenue Tax liability, a seller must either accept purchase orders in Illinois or sell natural gas which is located in Illinois at the time of sale. As long as the seller accepts purchase orders outside Illinois and fills those orders with gas that is located outside Illinois at the time of sale, no Gas Revenue Tax liability is incurred since this is a transaction in interstate commerce. (This is a GIL.)

95-0387 09/15/1995 Under the Gas Revenue Tax Act, the Public Utilities Revenue Act, and the Telecommunications Excise Tax Act, no exemption exists for churches or other types of not-for-profit or charitable entities. 35 ILCS 615/1 et seq. (1994 State Bar Edition); 35 ILCS 620/1 et seq. (1994 State Bar Edition); and 35 ILCS 630/1 et seq. (1994 State Bar Edition). (This is a GIL.)

RETURNS

95-0338 08/10/1995 This letter explains the circumstances under which retailers who engage in selling on their premises and also lease those premises to others, who engage in selling upon those premises, are required to file returns with the Department for those sellers. See 86 Ill. Adm. Code 130.1305 and 130.1310. (This is a GIL.)

95-0386 09/15/1995 The Department may approve a taxpayer's use of certain computer generated returns. Taxpayers may obtain information about obtaining authorization for use of computer generated returns from the Department's Taxpayer Information Division. (This is a GIL.)

SALE AT RETAIL

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

95-0366 08/28/1995 Consumable supplies used by a body shop are taxable to the body shop when the body shop purchases these items. Items such as wax & grease removers, sandpaper, masking tape, buffing & polishing compounds, paint thinner, and sundry items which do not physically stay on a vehicle when the vehicle leaves the body shop are examples of these items. (This is a GIL.)

95-0394 09/18/1995 The Department considers the seller's acceptance of the purchase order the most important element of selling. The tax rate is fixed by the location of the seller, not the delivery location. Therefore, if a company accepts all of the purchase orders at its company headquarters rather than its party consultants accepting the purchase orders at the locations where the parties are being held, then the company should charge the applicable rate of tax for the location of its headquarters. See 86 Ill. Adm. Code 270.115. (This is a GIL.)

SALE FOR RESALE

95-0290 07/07/1995 If a customer purchases tangible personal property in Illinois for resale as tangible personal property, and not for use or consumption, the purchaser must provide the seller with a Certificate of Resale. (This is a GIL.)

95-0302 07/14/1995 Resale numbers are issued to persons who make no taxable sales in Illinois but who need the wherewithal to provide suppliers with Certificates of Resale when purchasing items which will be resold. (This is a GIL.)

95-0326 08/10/1995 In a drop ship situation, the purchaser must provide the seller with a Certificate of Resale documenting the fact that the sale to the purchaser (with delivery in Illinois) is a sale for resale. While a registration/resale number on a Certificate of Resale is preferred, the purchaser can also provide "other evidence" on the resale certificate that the sale was for resale. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

95-0352 08/21/1995 A purchaser located out-of-state who does not possess an Illinois tax number cannot provide that information on a Certificate of Resale. However, if the out-of-state purchaser will only sell to purchasers located outside the State of Illinois, the purchaser may certify that it is an out-of-state purchaser who will sell only to purchasers located outside the State of Illinois. See 86 Ill. Adm. Code 130.1405(a). (This is a GIL.)

95-0361 08/25/1995 This letter describes a classic drop-shipment situation in which an out-of-state seller registered with Illinois (A) makes a sale to another out-of-state company which is not registered with

DEPARTMENT OF REVENUE

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Illinois (B) and drop-ships the items to B's customer located in Illinois. (This is a GIL.)

95-0372 09/06/1995 Resale numbers are issued to persons who make no taxable sales in Illinois but who need the wherewithal to provide suppliers with Certificates of Resale when purchasing items which will be resold. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

95-0373 09/06/1995 This letter describes the documentation necessary to establish that a sale was a sale for resale in a standard drop shipment situation. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

95-0381 09/14/1995 The sale of containers is not subject to Retailers' Occupation Tax when the purchasers of such containers transfer to customers the ownership of the containers together with what is contained in them. Therefore, if purchasers of hay bales purchase and use mesh wrap to bind bales of hay that they sell, they may purchase the mesh wrap as purchases for resale. See 86 Ill. Adm. Code 130.2070. (This is a GIL.)

95-0393 09/18/1995 A Multi-Jurisdiction Sales Tax Certificate does satisfy the requirement for documenting an exempt sale for resale as long as the certificate contains all of the information required for a valid Certificate of Resale. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

SALE OF SERVICE

95-0309 07/25/1995 This letter describes the application of the Service Occupation Tax and the Use Tax to the activities of a special order printer.

95-0321 08/09/1995 The Service Occupation Tax is triggered when a person transfers tangible personal property incident to performance of a service. See 86 Ill. Adm. Code 140.101 and 160.101. (This is a GIL.)

95-0329 08/10/1995 Tangible personal property transferred by a serviceman to a service customer may result in either Service Occupation Tax liability or Use Tax liability for the serviceman, depending upon which tax base the serviceman chooses to calculate his or her liability. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

95-0362 08/25/1995 The videotaping services you provide are subject to the Service Occupation Tax. Under the Service Occupation Tax Act, a serviceman is taxed on tangible personal property transferred as an incident of the sale of service. A serviceman incurs either Service

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NOTICE OF PUBLIC INFORMATION

Occupation Tax liability or Use Tax liability in these transactions. His tax liability is dependent upon the method he uses to calculate his liability. He may calculate his tax base in one of four ways. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

95-0376 09/11/1995 A serviceman may calculate his or her tax base in one of four ways: (1) separately stated selling price of tangible personal property transferred incident to service; (2) 50% of the serviceman's entire bill; (3) Service Occupation Tax on the serviceman's cost price of the serviceman is a registered de minimus serviceman; or (4) Use Tax on the serviceman's cost price of the serviceman is de minimus and is not otherwise required to be registered under the Retailers' Occupation Tax Act. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

95-0392 09/18/1995 Under the Service Occupation Tax Act, a serviceman is taxed on tangible personal property transferred incident to the sale of service. (This is a GIL.)

95-0400 09/27/1995 Under the Service Occupation Tax Act, a serviceman may calculate the tax base in one of four ways: (1) separately stated selling price; (2) 50% of the serviceman's entire bill; (3) Service Occupation Tax on the serviceman's cost price if the serviceman is a registered de minimus serviceman; or (4) Use Tax on the serviceman's cost price if the serviceman is de minimus and is not otherwise required to be registered under the Retailers' Occupation Tax Act. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

SERVICE OCCUPATION TAX

95-0383 09/15/1995 In a multi-service situation, the primary serviceman's cost price is determined either by the separately stated selling price of the tangible personal property transferred, or if the secondary serviceman does not separately state the cost of goods, it is presumed that the primary serviceman's cost price is 50% of the secondary serviceman's total charge. See 86 Ill. Adm. Code 140.101(h). (This is a GIL.)

TELECOMMUNICATIONS EXCISE TAX

95-0291 07/07/1995 Under the Telecommunications Excise Tax Act, a tax is imposed on the act or privilege of originating or receiving intrastate or interstate telecommunications by a person in Illinois at the rate of 5% of the gross charges for such telecommunications purchased at retail from a retailer by such person. (This is a GIL.)

DEPARTMENT OF REVENUE

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95-0304 07/14/1995 Conference calling services are directly related to the retailer's provision of telecommunications to customers and are included in the gross charges subject to Telecommunications Excise Tax. (This is a GIL.)

95-0319 08/08/1995 In a prepaid telephone service card program, the Telecommunications Excise Tax is incurred at the time telephone service is used in a taxable manner. The amount of telecommunication charges that the card is redeemed for must include any amount of Illinois Telecommunications Excise Tax that is incurred. (This is a GIL.)

95-0320 08/08/1995 In a prepaid telephone calling card program, the Telecommunications Excise Tax is incurred at the time telephone service is used in a taxable manner. The arrangement between the telephone service provider and the retail store will affect the method of tax collection required. In some cases, the telecommunication charges that the card is redeemed for will include any amount of Illinois Telecommunications Excise Tax that is incurred. In other cases, the only practical method of collection is for the retail store to collect the tax at the time of sale. (This is a GIL.)

95-0341 08/10/1995 Charges for services that are provided by a telecommunications retailer which are necessary for, or are directly related to, the retailer's provision of telecommunications to customers are included in the gross charges subject to Telecommunications Excise Tax. See 86 Ill. Adm. Code 495.110. (This is a GIL.)

TRADE-INS

95-0293 07/10/1995 This letter describes application of the rules for Advance Trade-Ins, set forth at 86 Ill. Adm. Code 130.455.

USE TAX

95-0340 08/10/1995 Illinois Use Tax is a tax imposed on the privilege of using, in this State, any kind of tangible personal property that is purchased anywhere at retail from a retailer. See 86 Ill. Adm. Code 150.105. (This is a GIL.)

95-0351 08/21/1995 A retailer incurs a Use Tax liability on the cost price of fragrance testers used by customers to sample fragrances prior to purchase. (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

95-0371 09/05/1995 Equipment and materials that a purchaser uses in fulfilling its contracts with a government agency or body are subject to the Illinois Use Tax. (This is a GIL.)

95-0395 09/19/1995 The definition of "use" is "the exercise by any person of any right over tangible personal property incident to ownership of the property." When materials are taken out of sales inventory, these materials are subject to Use Tax. This tax must be paid by the 20th of the month following the month in which the materials are taken out of the sales inventory. See 86 Ill. Adm. Code 150.201(a). (This is a GIL.)

95-0399 09/27/1995 The Illinois Use Tax is a privilege tax imposed on the privilege of using, in Illinois, any kind of tangible personal property that is purchased anywhere at retail from a retailer, as "retailer" is defined in the Use Tax Act. In determining the amount of Use Tax due, the purchaser will be entitled to a credit for the amount of tax properly paid on the property to another state. See 86 Ill. Adm. Code 150.101, 150.105, 150.201. (This is a GIL.)

VEHICLE USE TAX

95-0349 08/21/1995 Penalty and interest is imposed under the Uniform Penalty and Interest Act if the RUN-25, Motor Vehicle Use Tax Return, is filed more than 30 days after the vehicle is brought into Illinois. (This is a GIL.)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 7, 1995 through November 13, 1995 and have been scheduled for review by the Committee at its December 12, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
12/22/95	Department of Public Aid, Rights and Responsibilities (89 Ill Adm Code 102)	8/25/95 19 Ill Reg 12227	12/12/95
12/22/95	Illinois Racing Board, Admissions and Credentials (11 Ill Adm Code 1428)	8/11/95 19 Ill Reg 11446	12/12/95
12/22/95	Illinois Racing Board, Licensing (11 Ill Adm Code 502)	9/15/95 19 Ill Reg 12961	12/12/95
12/22/95	Department of Transportation, Oversize and Overweight Permit Movements on State Highways (92 Ill Adm Code 554)	9/15/95 19 Ill Reg 12980	12/12/95
12/22/95	Department of Employment Security, Determination of Unemployment Contributions (56 Ill Adm Code 2770)	9/22/95 19 Ill Reg 13168	12/12/95
12/27/95	Department of Professional Regulation, Private Detective, Private Alarm and Private Security Act of 1993 (68 Ill Adm Code 1240)	9/22/95 19 Ill Reg 13187	12/12/95

PROCLAMATIONS

95-529

PHI THETA KAPPA DAYS

Whereas, Phi Theta Kappa was founded in 1918 at Stephens College in Columbia, Missouri, to promote scholarship, leadership, and service among students in two-year community colleges; and

Whereas, Phi Theta Kappa is the only International Honor Society for two-year colleges with membership expanding as far as Alaska, Hawaii, Puerto Rico, Western Europe, and the Canal Zone; and

Whereas, the theme of this annual regional convention is "Rights, Privileges and Responsibilities: An Indelicate Balance;" and

Whereas, the Phi Theta Kappa Illinois Regional Convention is being held in Quincy, Illinois, hosted by the Alpha Tau Gamma chapter of John Wood Community College; and

Whereas, the Phi Theta Kappa hug, more common than a handshake, has become a symbol of spirit and brotherly love among its members;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 27-29, 1995, as PHI THETA KAPPA DAYS in Illinois.

Issued by the Governor October 25, 1995.

Filed by the Secretary of State October 26, 1995.

95-530

SCIENCE AND TECHNOLOGY WEEK

Whereas, the State of Illinois salutes the valuable contributions of science and technology to the Illinois economy and the education of Illinois students; and

Whereas, Illinois' world-renown universities continually develop new technologies with strong commercial potential and serve as a training ground for the nation's brightest scientists and engineers; and

Whereas, more than one million people are employed by Illinois-based technology; and

Whereas, the transfer of modern technologies to Illinois' 25,000 manufacturers, 75% of which employ 20 persons or fewer, is vital to their ability to retain and create well-paying jobs; and

Whereas, the State of Illinois, through Project COMPETE, has established a statewide network of manufacturing extension centers spanning from Edwardsville to Rockford aimed at encouraging small and medium-sized manufacturers to implement advanced technologies and to increase their competitiveness; and

Whereas, there are nearly 1,500 computer software companies in the greater Chicago area; and

Whereas, Illinois is working to connect public schools across the state to the Internet, increase the use of computers in the classroom and improve the instruction of math and science; and

Whereas, the Illinois Math and Science Academy in Aurora, which is celebrating its 10th anniversary this year, is an educational model whose students have earned many recent honors, including top prize in the Westinghouse Science Talent Search, the highest team score in the nation on the American High School Math Exam and the highest average ACT scores in the

country for the past five years; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 19-25, 1995, as SCIENCE AND TECHNOLOGY WEEK in Illinois.

Issued by the Governor October 25, 1995.

Filed by the Secretary of State October 26, 1995.

95-531

YOUTH SERVICE PROJECT WEEK

Whereas, Youth Service Project is a non-profit organization celebrating 20 years of servings youths and families in the Humboldt Park community; and

Whereas, Youth Service Project has worked diligently to strengthen the community by assisting 3,000 young people each year realize their full potential; and

Whereas, Youth Service Project offers 10 bilingual, bicultural programs which take place in neighborhood schools, churches, libraries and homes; and

Whereas, Youth Service Project has developed a successful scholarship program named for its founder, Nancy M. Abbate, that awards scholarship money to young men and women; and

Whereas, Youth Service Project has been instrumental in creating a stronger Greater Humboldt Park community through support and involvement in producing an annual Celebration of Education Parade each August, an annual Summer Mural Program, and an empowered network of local resident block clubs; and

Whereas, Youth Service Project has a staff of 50 comprised mostly of Humboldt Park residents and a majority Latino and African American board of directors;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 5-11, 1995, as YOUTH SERVICE PROJECT WEEK in Illinois.

Issued by the Governor October 25, 1995.

Filed by the Secretary of State October 26, 1995.

95-532

CAREER DEVELOPMENT MONTH

Whereas, career development is an essential part of Illinois' educational process, helping to bridge the gap between school and business, industry and labor; and

Whereas, career development helps individuals understand, select and train for those occupations that will provide jobs in the increasingly challenging labor market in the future; and

Whereas, individuals may change jobs or need to be retrained several times making career development a life-long process that reaches far beyond the schools; and

Whereas, the State of Illinois continues to emphasize career development for all people to assist them in preparing for the future through the Education-to-Careers initiative and the One Stop Career Center network;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1995 as CAREER DEVELOPMENT MONTH in Illinois, with the theme "Career Development for the 21st Century."

Issued by the Governor October 26, 1995.

Filed by the Secretary of State November 6, 1995.

95-533

HISPANIC STATE EMPLOYEE DAY

Whereas, Hispanics represent 904,000 or 7.9 percent of the Illinois population, and by the year 2010 will be the largest minority group in the United States; and

Whereas, according to the Bureau of the Census, Illinois ranks among the top five states with sizable Hispanic populations; and

Whereas, state government is committed to providing services to the Hispanic population in the areas of education, housing, health, business, employment, and training opportunities; and

Whereas, the Illinois Association of Hispanic State Employees is sponsoring the 7th Annual Conference on Hispanic State Employment at Northeastern Illinois University in Chicago on October 27. The theme of this year's conference is "Reform and Progress: The Prospects for Latino Equity in the State of Illinois;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 27, 1995, as HISPANIC STATE EMPLOYEE DAY in Illinois in recognition of the contributions Hispanic employees have made to the vitality and growth of our state.

Issued by the Governor October 26, 1995.

Filed by the Secretary of State November 6, 1995.

95-534

THE MONARCH AWARDS FOUNDATION DAY

Whereas, Alpha Kappa Alpha Sorority is America's first Greek-letter organization for Black women founded at Howard University in 1908 and currently is comprised of more than 130,000 college trained women in 850 chapters in 48 states; and

Whereas, the Monarch Awards Foundation was established in 1988 by the Xi Nu Omega chapter of Alpha Kappa Alpha through which all programs and fund-raising efforts are sponsored; and

Whereas, all monies raised are channeled back into the community for scholarships and donations to non-profit organizations, including current projects to benefit the American Red Cross and Math/Science education in the community; and

Whereas, The Monarch Gala: "A Tribute to Black Men" is sponsored annually by the Monarch Awards Foundation to salute its outstanding African-American men in the Chicagoland area whose contributions to their profession, society and mankind have long merited special recognition;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 25, 1995, as THE MONARCH AWARDS FOUNDATION DAY in Illinois in honor of the members of the Xi Nu Omega chapter and their continued hard work and dedication to our citizens.

Issued by the Governor October 26, 1995.

Filed by the Secretary of State November 6, 1995.

95-535

ORA HIGGINS YOUTH FOUNDATION DAY

Whereas, the Ora Higgins Youth Foundation was founded in 1976 by Ora

Higgins, a lady of great vision and great dedication to the cause of higher education for academically-gifted high school graduates; and

Whereas, the foundation will commemorate its 19th anniversary with its annual Scholarship Award Dinner on Sunday, October 29 at the Lexington House; and

Whereas, the foundation will present a \$1,000 scholarship award to each of 10 highly motivated high school graduates pursuing advance studies at institutions of higher education; and

Whereas, the foundation will also present leadership awards to each of nine distinguished local citizens making major contributions within their respective professions to the growth and development of today's urban youth; and

Whereas, the foundation implements its annual scholarship award program without consideration of race, color, ethnicity, gender, religion, physical disabilities, or national origin; and

Whereas, to convey to its scholarship awardees that the elements of goodwill, of collective labor, of mutual respect, and of law and order are the foundation upon which to build a strong and stable community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 29, 1995, as ORA HIGGINS YOUTH FOUNDATION DAY in Illinois with congratulations to both the recipients of scholarship and leadership awards.

Issued by the Governor October 26, 1995.

Filed by the Secretary of State November 6, 1995.

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF CHANGE OF ADDRESS
ALL ORDERS ARE PAYABLE IN ADVANCE OR BY VISA OR *Discover*
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CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 each:
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QUARTERLY @\$290.00

(1994 Code & 2 (Quantity) (1995 (Quantity)
Supplements) Supplements)

TOTAL AMOUNT OF ORDER: \$ _____

___Check___Visa___Discover Card Number: _____
Expiration Date: _____ Signature _____

(IF CHANGE OF ADDRESS, PLEASE LIST THE OLD AND NEW ADDRESS:

(NAME) (PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY) (STATE) (ZIP CODE) (TELEPHONE NUMBER)

GEORGE H. RYAN
SECRETARY OF STATE

Address:
Index Department
111 E. Monroe
Springfield, IL 62756

